Thomas Jefferson

A BIOGRAPHY

Volume II

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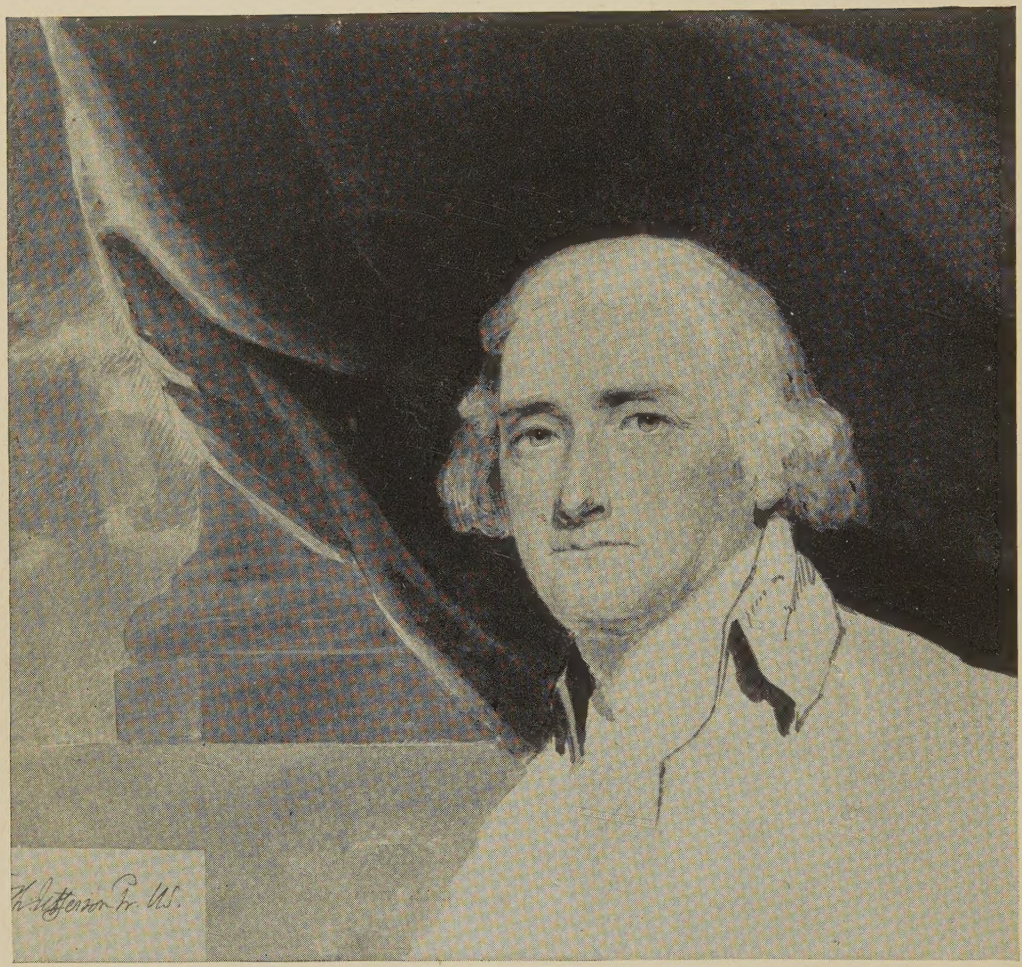

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THOMAS JEFFERSON

Watercolor on cardboard by Robert Field

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NATHAN SCHACHNER

Thomas Jefferson

A BIOGRAPHY

Volume II

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CHAPTER 39

Antediluvian Patriarch

JEFFERSON'S retirement from public life caused his enemies to rejoice and his friends to view the future with foreboding. General Gates, who liked to think of himself as a Roman warrior retired to his Sabine farm, shook his head gloomily over the prospect. "His prophetic soul," he lamented, "augurs no benefit to the States by such a Sacrifice! If the best Seamen Abandon the Ship in a Storm, she must Founder." [1]

Ezra Stiles of Yale noted in his diary the "inconcealable disgust" with which Jefferson had retired; and his vow never to touch a newspaper again or meddle further with politics. Stiles narrated how Jefferson had unburdened himself to a mutual friend—the patriots of 1775 were neglected; the coterie surrounding Washington was disposing of patronage with a view to gaining a majority in Congress; and a "system of *omnia venalia*" was rapidly approaching.[2]

But the laments of his friends and followers could not shake Jefferson's resolve. He reached Monticello on January 16, 1794; and the first glimpse of his beloved home, of his family and familiar servants, filled him with delight. He breathed the pure air and noted eagerly the recurring drama of the seasons: the advent of the bluebirds, the later arrival of the strident blackbirds, the first bloom of his almond trees, and the reiterated clamor of the whippoorwill.[3] These were the sights and sounds that expanded his soul.

Gates had invited him to share his solitude at Rose Hill. Jefferson declined with thanks. "The length of my tether," he responded, "is now fixed from Monticello to Richmond. My private business can never call me elsewhere, and certainly politics will not, which I have ever hated both in theory & practice. I thought myself conscientiously called from those studies which were my delight by the political crisis of my country, & by those events *quorum pars, magna fuisti.* In storms like those all hands must be aloft. But calm is now restored, & I leave the bark with joy to those who love the sea. I am but a landsman, forced from my element by accident, regaining it with transport, and wishing to recollect nothing of what I have seen, but my friendships." [4]

He tried hard to dissociate himself from politics, refusing even to read the newspapers. He claimed to agree with Montaigne that ignorance was the softest pillow on which a man could rest his head; and every letter he wrote during this period proclaimed his determination to pay no further heed to the state of the nation.[5] Perhaps he protested too much. Madison,

who of all his friends knew him best, ignored the heated disclaimers and sent him three regular letters a week, filled with politics and personalities from Philadelphia; so that Jefferson's ostentatious avoidance of the press did not deprive him of the slightest detail of the political scene. Eventually, he forgot his self-imposed hermitage and returned pointed comments and political advice, just as Madison no doubt had cannily foreseen.

For the first months, however, Jefferson held strictly to his seclusion. His daughter Martha, with her husband Thomas Mann Randolph and their two children, spent at least as much time at Monticello as on their own estates of Edgehill and Varina. Maria, the younger daughter, was still unmarried and busied herself with domestic affairs. Monticello itself and the far-flung properties required unremitting attention.

Jefferson had 10,647 acres of farm, plantation and undeveloped land scattered over central and western Virginia, not to mention some town plots in Beverly and Richmond. To work these numerous establishments required the services of 154 slaves and an animal population of 34 horses, 5 mules, 249 head of cattle, 390 hogs and 3 sheep. A total of 7,240 pounds of hog meat was required annually to feed family, visitors and slaves.[6]

The management of such a vast and sprawling community required sound business practices, and Jefferson filled his various notebooks with innumerable calculations: what, for example, it cost to feed and clothe a ploughman and maintain a plough horse. He estimated their keep at £2/13 the acre.[7]

Naturally, the plantations had not been properly run during Jefferson's extended absences abroad and in Philadelphia, and he was now determined to bring them as soon as possible to a peak of efficiency. His plans for their improvement and for increased building at Monticello were vast and carefully mapped. He was never able to achieve the full measure of his desires; but the actuality was impressive enough. During this first year, for example, he set out 2,400 cuttings of weeping willow to border the lower paths and those circumjacent to the spring.[8] He instituted a rotation of crops to restore the fertility of his lands which, he sadly discovered, had been almost wholly exhausted by previous ill usage.[9] He envisaged for the "terrasses" below his garden wall concentric levels of fig trees, walks, strawberry beds, a vineyard and an abundance of trees.[10] He also decided to commence a manufactory of nails, using iron rods shipped by boat from the north and employing the labor of his slaves. The manufactory started off auspiciously—by the autumn of 1794, he calculated that he had cleared £209 on the project.[11]

Not everything was smooth sailing, however. He had trouble in finding a satisfactory overseer. He had hired two on his arrival at Monticello; one never showed up, and the other proved so inefficient that he despaired of being able to go ahead with his plans for the next year.[12] The search for a good overseer continued to plague him until he finally installed his French major-domo, Petit, in the position.[13]

Yet, in spite of difficulties and retrogressions, this was what Jefferson supremely desired. "I return to farming," he wrote John Adams, "with an ardor which I scarcely knew in my youth, and which has got the better entirely of my love of study. Instead of writing 10. or 12. letters a day, which I have been in the habit of doing as a thing of course, I put off answering my letters now, farmer-like, till a rainy day." [14]

His unwonted outdoor activity, however, was probably responsible for a severe attack of rheumatism which laid him up from the beginning of September until the end of November, and kept him confined to his quarters. As a result, his overseers neglected the ploughing and allowed everything to go to ruin.[15] Planting, in fact, was not begun until the middle of November, by which time Jefferson was able to hobble around again and painfully mount his horse.

He was particularly anxious to find substitutes for the inevitable corn and bacon; both of which, he thought, contributed to the exhaustion of the soil. He proposed in their place potatoes, clover and sheep; "the two former to feed every animal on the farm except my negroes, and the latter to feed them, diversified with rations of salted fish and molasses, both of them wholesome, agreeable, and cheap articles of food." [16] It is obvious that Jefferson saw nothing unusual in his classification of Negroes.

Try as hard as he would, and protest as vociferously as he did, it was inevitable that Jefferson could remain for only a little time the complete recluse and abstainer from the political scene. For this there were several reasons: the faithful reports from his friends, his own ineradicable instincts, and the explosion of events in Philadelphia.

Just as France, because of her ineffable envoy, Genêt, had concentrated the public indignation during 1793, now England became the target for attack. Immersed in a life-and-death struggle with France, she had sought to cripple her great enemy by cutting off all neutral trade. In a series of Orders in Council, the French West Indies were made forbidden territory to American commerce, and hundreds of American ships that refused to obey were seized and confiscated.

While still in office, Jefferson had protested the restrictions repeatedly; but Hammond, fortified with Hamilton's confidential assurances that the United States would not go to war in defense of her rights, evaded or ignored the protests. Almost Jefferson's last official act was to lay before Congress his long-delayed report on the privileges and restrictions of the commerce of the United States with foreign countries.[17]

Armed with the irrefutable evidence contained in the report of England's interference with American trade, and supported by Jefferson's recommendations of retaliation in kind, Madison rose on January 3, 1794, in the House to propose once again his Resolutions of 1791 for levying such discriminatory duties on English goods and vessels as virtually to exclude her from all further commercial intercourse with the United States.

The Resolutions found the country for once united and in a fighting mood. Even Hamilton swung into line. For they had barely been introduced when the news arrived of a new and even harsher Order in Council promulgated as of the November 6th preceding.

Though Hamilton was now aroused and angry at his favorite country, he wanted no war. In the present temper of the people, however, and with the seemingly certain passage of Madison's Resolutions, war appeared inevitable. The leading Federalists therefore met in conclave and agreed that the only chance to avoid overt conflict was to send a special envoy to England with full powers to treat on all the matters at issue between the two nations.

Meanwhile, the triumphant Republicans were pressing for the passage of the Resolutions, with the Federalists fighting a desperate rear-guard action. So critical was the situation that Richard Peters, in sending to Jefferson a proposal for a State Society of Agriculture, appended some ominous observations. "You can do much," he wrote the retired statesman, "if Leisure is allowed you, in these plans, which are among the Arts of Peace. But I fear we shall have other Arts to practice, as our Situation seems very critical. You are like many of the good Things in this World of which the Value is not either known or properly estimated 'till it is lost. If we get into the Bustle of War, which I hope more than think we shall avoid, you will be drawn out of your Recesses." [18]

Peters did not know that Jefferson had already been drawn from his "Recesses," at least for advice and assistance. William Smith of South Carolina had made an extraordinary speech in the House in opposition to Madison's Resolutions; a speech which no one believed that the ordinarily pedestrian Smith could possibly have written. "I am at no loss to ascribe Smith's speech to its true father," Jefferson asserted to Madison, forgetting his resolve to meddle no longer with politics. "Every tittle of it is Hamilton's except the introduction." Which, indeed, was the fact. Having taken the first step into the sea of politics, Jefferson plunged deeper. The people of Albemarle, he reported, were not averse to sating "their ancient hatred" against Great Britain by a war, even though it meant the loss of trade. Nor did he doubt that, when the time came, we would confirm our guarantee of the French islands and "declare both to England & France that these islands are to rest with France, and that we will make a common cause with the latter for that object." [19]

Such was the temper of Congress that in spite of Smith's (or Hamilton's) speech, in spite of the hurried closing of Federalist ranks, it rushed through a temporary Embargo Act to last a single month, which was later renewed for another month, and failed by only a little of passing the whole of Madison's Resolutions. Certain provisions in fact passed the House and were defeated in the Senate only by the casting vote of Vice-President Adams.

So fraught with dangerous possibilities was the situation that the Feder-

alist leaders redoubled their efforts for an envoy extraordinary to England. The idea was privately conveyed to Washington; and even more privately it was suggested that Hamilton was the man for the post.

Jefferson heard of it through Madison, his regular grapevine into the secrets of Philadelphia, and exploded with wrath. "A more degrading measure," he stormed, "could not have been proposed: and why is Pinckney to be recalled? For it is impossible he should remain there after such a testimony that he is not confided in. I suppose they think him not thorough fraud enough." The fact that Hamilton was to be the "missionary" only added fuel to the fire.[20]

But Hamilton was not chosen. John Jay, Chief Justice of the Supreme Court, was picked for the delicate mission; though there were those who suggested Jefferson himself for the post.

At first blush, Jay seemed an excellent choice. He was a good, though moderate Federalist, and therefore favorably disposed toward England. He occupied a judicial position, and might be relied on not to be intemperate in his dealings. He was already familiar with diplomatic procedures and techniques through his handling of foreign affairs in the days of the Confederation.

Yet the Republicans passionately, though in vain, opposed his nomination; and Monroe and others rose in the Senate to denounce his as pro-British and the worst emissary, with the possible exception of Hamilton, that could have been sent.

John Adams wrote privately to his old friend, Jefferson, that while he had "no great Faith in any very brilliant Success," he hoped Jay would be able to keep the United States out of war. "Another war would add two or three hundred Millions of Dollars to our Debt; rouse up a many headed and many bellied Monster of an Army to tyrannise over Us; totally disadjust our present Government, and accellerate the Advent of Monarchy and Aristocracy, by at least fifty years." [21]

One wonders whether Jefferson savored the full irony of this communication. For the allegedly monarchical author of the *Discourses on Davila* was using almost verbatim the arguments of the Republicans against war and its probable effects; only—the Republicans had employed them to counter a war against France, while Adams was opposing a war with England.

Jefferson fully agreed with Adams in not wanting war. "I am anxious," he wrote Tench Coxe, "that we should give the world still another useful lesson, by showing to them other modes of punishing injuries than by war, which is as much a punishment to the punisher as to the sufferer." He preferred "cutting off all communication with the nation [England] which has conducted itself so atrociously. This, you will say, may bring on war. If it does, we will meet it like men; but it may not bring on war, & then the experiment will have been a happy one." [22]

The defeat of the Nonintercourse Resolution, therefore, was a severe

blow to him; and he waxed indignant against the Senate, in which the defeat had been administered. "This body," he exclaimed, "was intended as a check on the will of the Representatives when too hasty. They are not only that, but completely so on the will of the people also.... I have never known a measure more universally desired by the people than the passage of that bill." [23]

Jefferson found other causes for indignation in his rural retirement. Instigated by Hamilton, Washington had finally determined to suppress by force of arms the resistance of the western Pennsylvania farmers to the tax on whisky. A great army was gathered, a proclamation to the alleged rebels issued, and the troops were set in motion.

From his eyrie in Monticello, Jefferson viewed the proceedings with acute alarm. How could such "an armament against people at their ploughs" be ordered by Washington, he demanded of Madison, "and an appeal to arms justified before that to the law had been tried and *proved* ineffectual." [24]

The question was never answered. The army marched with pomp and banners to a rather ridiculous anticlimax. No resistance was encountered; a few stills were destroyed and some liberty poles cut down; a few alleged ringleaders were arrested and charged with treason.

It was the more levelheaded among the Republicans who were responsible for the collapse of the "Whisky Rebellion" and its anticlimax. The Democratic Society of Pennsylvania, for example, had at the first sign of trouble hastened to publish a resolution to the effect that, while conceiving "excise systems to be oppressive, hostile to the liberties of this country, and a nursery of vice and sycophancy, we, notwithstanding, highly disapprove of every opposition to them, not warranted by that frame of government, which has received the sanction of the people of the United States." Other democratic and republican societies disavowed rebellion in similar vein.[25]

Jefferson also advised nonresistance. "Make friends with the trans-Alleganians," he significantly suggested to William B. Giles, one of the leading Republicans in the House. "They are gone if you do not. Do not let false pride make a tea-act of your excise-law." [26]

In spite of the hasty dissociation of the democratic clubs from the "Whisky Rebellion," they were not saved thereby from Washington's denunciation. In turn, Jefferson denounced the denunciation. "It is wonderful indeed," he exclaimed, "that the President should have permitted himself to be the organ of such an attack on the freedom of discussion, the freedom of writing, printing & publishing." [27]

Jefferson never attacked Washington directly; he always insisted that the President was being hoodwinked by the small group of "monocrats"

who surrounded him. It is doubtful whether the circumlocution was not more offensive to Washington than a direct assault.

Actually, some of Jefferson's sentiments on another occasion concerning him had been retailed to Washington by willing tongues. Washington refused to believe the reports. "There could not be the trace of doubt on his mind," he replied to Governor Henry Lee, one of the talebearers, "of predilection in mine, towards G. Britain or her politics, unless (which I do not believe) he has set me down as one of the most deceitful, and uncandid men living." [28]

Testifying his faith in his alleged traducer, the President offered Jefferson two days later the post of special envoy to Spain to seek a similar accommodation of differences with her as motivated Jay's mission to England.[29] Jefferson turned it down with the flat statement that "nothing will ever more tempt me to engage in anything public." [30]

As if to prove his point, he wrote shortly thereafter to a correspondent that he was so immersed in farming and the manufacture of nails "that politicks are entirely banished from my mind." Only the success of the French Revolution still mattered; and he hoped "that the execution of Robespierre and his bloodthirsty satellites is a proof of their return to that moderation which their best friends had feared had not always been observed." [31]

To his ancient law teacher, George Wythe, he was even more bucolic and, as befitted the recipient, scholarly. He sent Wythe a little treatise "on the use of the middle voice in Greek. . . . If it gives you half the pleasure it did me, mine will be doubled still." He allowed himself a little pardonable bragging about his collection of books, "now certainly the best in America." And his figs had yielded an enormous crop. Unfortunately, his building operations had not progressed. "We are now living in a brick kiln," he reported sadly, "for my house, in its present state, is nothing better." [32]

The winter of 1794-95 was one of extraordinary severity and deep snows, so that ploughing operations were held up until the month of March. But his nailery kept Jefferson busy, with the boats carrying the nail rod penetrating up the rivers to the base of Monticello even in the dead of winter.[33] He hoped to be able to realize enough from the sale of his nails to clear up his ancient debts; but this, like all other projects intended to achieve that happy result, failed to fulfill his expectations. His tobacco crop too fell short, and he was compelled once again to beg for extensions to meet his annual installment.[34]

The work of farming and manufacturing was strenuous, but Jefferson was happy in it, penning lyrical apostrophes on the life bucolic to all and sundry. He assumed personal charge of the nailery, where his work force consisted of a dozen small slaves ranging from ten to sixteen years old; and he rode over his plantations from early morning until dark.[35]

He described his activities in tones reminiscent of an Eclogue of Vergil. "Have you become a farmer?" he inquired of General Knox, his former Cabinet associate who had similarly retired. "Is it not pleasanter than to be shut up within 4. walls and delving eternally with the pen? I am become the most ardent farmer in the state. I live on my horse from morning to night almost. Intervals are filled up with attentions to a nailery I carry on. I rarely look into a book, and more rarely take up a pen. I have proscribed newspapers, not taking a single one, nor scarcely ever looking into one. My next reformation will be to allow neither pen, ink, nor paper to be kept on the farm. When I have accomplished this I shall be in a fair way of indemnifying myself for the drudgery in which I have passed my life." [36]

He even sent the glad tidings across the sea to Maria Cosway and Madame de Tessé. Maria, alas, was shortly thereafter to yield to despair over husband and child and enter a religious retreat in Italy.[37]

The suspicion might arise that Jefferson was pulling a long bow for the benefit of his correspondents; and certainly his claimed disinterest in the news of the world and in politics was a good deal put on. But of his contentment with the life he led, there is external evidence. The Duc de la Rochefoucauld-Liancourt, forced on his travels by the French Revolution, visited Jefferson at Monticello and later published his impressions.

The noble visitor was particularly enthusiastic about the house itself, even in its unfinished state, hailing it as "infinitely superior to all other houses in America." He was convinced that when completed it would rank "with the most pleasant mansions in France and England." As for the view from the mountaintop, superlatives were insufficient. As a matter of fact, every European traveler exclaimed over the majestic prospect.

The soil, left for so many years to the indifferent care of overseers, was exhausted; a condition which the duke attributed to crude methods of culture. It was Jefferson's chief employment to rehabilitate his land. He diligently studied the books on the subject and sought advice from competent persons; in which latter class the noble lord modestly placed himself. He had divided his lands into four farms, and was employing a seven-year rotation of crops: the first year, wheat; the second, Indian corn; the third, peas or potatoes; the fourth, vetches; the fifth, again wheat; and the sixth and seventh, clover.

Each farm was worked by an overseer, eight Negroes, four oxen and four horses. Instead of the traditional Virginia method of trodding out the grain under horses' hooves, Jefferson installed a recently invented threshing machine which accounted for 120 to 150 bushels a day.

The duke, however, did find some matters for criticism. Not enough manure was used; and Jefferson cut his clover only twice a season and left it on the fields, instead of gathering it for fodder. For he had the curious idea that "the heat of the sun destroys, or at least dries up in a great

measure, the nutritious juices of the earth," and therefore insisted on protecting the ground from the lethal rays.

However, in his system of crop rotation, Jefferson was decidedly an innovator in his native state; and his neighbors watched his methods with censorious eye.

As for his private life, the Frenchman wrote that "Mr. Jefferson displays a mild, easy and obliging temper, though he is somewhat cold and reserved. His conversation is of the most agreeable kind, and he possesses a stock of information not inferior to that of any other man. In Europe he would hold a distinguished rank among men of letters, and as such he has already appeared there; at present he is employed with activity and perseverance in the management of his farms and buildings; and he orders, directs and pursues in the minutest detail every branch of business relative to them. I found him in the midst of the harvest, from which the scorching heat of the sun does not prevent his attendance. His negroes are nourished, clothed, and treated as well as white servants could be. As he cannot expect any assistance from the two small neighboring towns, every article is made on his farm; his negroes are cabinet-makers, carpenters, masons, bricklayers, smiths, etc. The children he employs in a nail factory, which yields already a considerable profit. The young and old negresses spin for the clothing of the rest. He animates them by rewards and distinctions; in fine, his superior mind directs the management of his domestic concerns with the same abilities, activity and regularity which he evinced in the conduct of public affairs, and which he is calculated to display in every situation of life." His daughter, Martha, and Maria, "handsome, modest, and amiable women," superintended the domestic household; while Thomas Mann Randolph was like a son to him.[38]

The picture thus presented is idyllic, and showed the Virginia plantation at its best. In fact, most of the great Virginians devoted more thought and energy to their agricultural pursuits than to affairs of state. Madison was constantly on the lookout for new ideas; while Washington was esteemed one of the best farmers in the land. One needs only read those letters in which the latter expands on agricultural topics to note the difference; the cold, formal sentences of his political style are gone, and in their place are warmth, eagerness and almost garrulity.

Yet Jefferson did not banish pen and paper from his life as he constantly threatened. Somehow, in the midst of his manifold duties, he managed to put one to the other. Perhaps, as his horse jogged from one field to another, he brooded over problems that extended beyond the confines of his plantations.

One of these dealt with education. Jefferson believed profoundly in the virtues of knowledge. Let the people *know*, was his constant thesis, and there need be no fear for the future of America. From his earliest days he had steadfastly advocated free educational opportunities for all—at least

in the lower branches, and free advanced studies for those capable of their absorption. As soon as the Revolution had commenced, he had sought to place Virginia in the vanguard of educational progress; and had failed.

But he was not discouraged; and now that there was a federal government, he transferred his ideas to the national scene. Through Madison's mediation, he now proposed to Washington and Edmund Randolph, his successor in the State Department, a plan for a national academy, devoted to practical scientific studies, and staffed with eminent scientists from Europe. Madison duly forwarded the plan, though privately sceptical of its feasibility.[39]

Washington thought the scheme in the main good; and had, in fact, proposed on his own account to endow with his stock in the Potomac River Company both a federal university and seminary in Virginia. With such institutions, he said, it would be unnecessary to send American youth abroad, where they imbibed antirepublican principles. At the same time, by creating a locus for the youth of the entire nation, local prejudices and jealousies might gradually be eliminated.[40] Unfortunately, neither Washington's nor Jefferson's plan went beyond the talking stage; particularly as the Potomac shares did not appreciate in value as the promoters had expected. But the basic idea was never far from Jefferson's mind, and burst into clear flame in the final years of his life.

Jefferson managed also to use a request for information from a German scholar, Christopher Daniel Ebeling, as a springboard for some searching comments on the American scene, its scholars and intellectuals, its history and politics. Ebeling was writing a *Biography and History of North America* and had already been in communication with certain learned Americans for his facts. At the last moment he wondered about his correspondents, and turned to Jefferson for advice. Were they really authorities in their respective fields, he asked.

As usual, Jefferson went far beyond the expectations of his interrogator. He wrote a substantial treatise. Of the so-called "authorities," all from the northern states, he disposed in short, sharp sentences. Ezra Stiles of Yale was an excellent and learned man, "but remarkable for his credulity." Others, like Barton, the botanist, and Joel Barlow, the poet, were worthy of confidence. Jedidiah Morse and Noah Webster—he of the later Dictionary—were limited in their knowledge to the eastern states. When they spoke of the South, they were "worse than none at all."

Jefferson's local pride was severely irritated by their attempt to discuss the South on the basis of a single journey. "To pass once along a public road thro' a country," he exclaimed, "& in one direction only, to put up at its taverns, and get into conversation with the idle, drunken individuals who pass their time lounging in these taverns is not the way to know a country, its inhabitants or manners. To generalize a whole nation from these specimens is not the sort of information which Professor Ebeling would wish to compose his work from."

Having thus efficiently polished off Ebeling's northern informants, Jefferson proceeded with his own discourse on America. The "monocrats," he declared, had tried hard to model the Constitution on the British form; but the new Congress "will be able to defeat the plan of sliding us into monarchy, & to keep the Executive within republican bounds."

He made a detailed analysis of the two parties in the country which throws much more light on the workings of Jefferson's own mind than on the parties themselves. "They embrace respectively," he wrote, "the following descriptions of persons—The Anti-republicans consist of 1. The old refugees & tories. 2. British merchants residing among us, & composing the main body of merchants. 3. American merchants trading on British capital. Another great portion. 4. Speculators & Holders in the banks & public funds. 5. Officers of the federal government with some exceptions. 6. Office-hunters, willing to give up principles for places. A numerous & noisy tribe. 7. Nervous persons, whose languid fibres have more analogy with a passive than active state of things."

The Republicans, naturally, were of a different order. They were "1. The entire body of landholders throughout the United States. 2. The body of labourers, not being landholders, whether in husbandry or the arts." The Republicans outnumbered the Antirepublicans in the ratio of 500 to 1; "but their wealth is not as disproportionate, tho' it is also greatly superior, and is in truth the foundation of that of their antagonists." Unfortunately, Jefferson lamented, the urban concentration of the Antis and their control of the press enabled them to exercise an undue influence in government which the Republicans, scattered on their farms and remote from one another, found it difficult to match.[41]

One wonders what the bewildered German professor thought of this "objective" analysis of the state of parties in the United States.

There had been a series of radical changes in the Cabinet since Jefferson's retirement. Edmund Randolph, the "trimmer," had taken over the State Department; and his old job of Attorney General had gone to William Bradford. Randolph's tenure was comparatively short. The British government obligingly turned over to Washington certain letters which had passed between Randolph and Genêt's successor, Fauchet, and which they had discovered on a captured French ship. Randolph resigned under dark suspicions of bribery and treason, though vigorously protesting his innocence. Timothy Pickering, most extreme and fanatical of Federalists, took his place. General Henry Knox resigned from the War Department shortly after Jefferson, and James McHenry of Maryland stepped into the vacancy. But the major event was the final exit of Alexander Hamilton from the scene—over a year after his great antagonist; and Oliver Wolcott of Connecticut, his former assistant, was placed in charge.

It was the twilight of the gods. The two giants who had towered over the political landscape, and whose clashing personalities and philosophies

had struck such sparks between them as to enkindle a new nation, were gone. Those who remained, and those who substituted, were pygmies by comparison. John Adams, contemplating the final event, wrote mournfully of the past: "The offices are once more full. But how differently filled than when Jefferson, Hamilton, Jay, &c., were here!" [42]

John Jay, for all his admitted qualifications and inflexible integrity, proved unfitted for the desperate mission on which he had embarked. He was no match for the worldly wise Lord Grenville in diplomatic fencing; while the flatteries with which the British enveloped the American softened his defenses and made him an easy prey. The world situation had suddenly changed during Jay's preparations and embarking, and England found herself confronted with the threat of a concert of neutral powers in arms against her arrogance; but of all this Jay knew nothing. Nor did the unsolicited and amazing disclosure at home by Hamilton to Hammond that the United States intended to remain aloof from the contemplated association of European neutrals help his mission, either.[43]

The treaty with England to which Jay affixed his signature on November 14, 1794, has been a subject of major controversy ever since. It did obtain for the United States one vital concession—an agreement to evacuate the border posts. Yet even this all-important clause merely reiterated the old treaty and left the date of evacuation unspecified. Practically every other matter in dispute remained in *status quo*, with the exception that an exceedingly limited right was granted American ships to trade with the West Indies. This right, moreover, was so hedged in with restrictions as to render it almost valueless; and in return, the British were granted for *their* ships full and unrestricted trading rights between the Islands and the United States. This one-sided arrangement was written into Article XII of the treaty, and created more of a furore in America than any other clause. Freedom of the seas, impressment of American sailors, the instigation of Indian raids—all the galling matters at issue—were conspicuous by their absence.

When the terms of the treaty leaked out, the Republicans rose in arms. The United States, they shouted, had been betrayed. Even the Federalists were at first dismayed; and only after considerable hesitation made it a party measure and pressed for ratification. While the Senate debated angrily, the populace of New York and elsewhere displayed their indignation in mass meetings and riots.

Jefferson, from his eyrie on Monticello, watched the storm with immense interest. He saw at once the potentialities of the hated treaty as a weapon with which to destroy the Federalists. He delved into his books and traced in a series of notes the entire history of the negotiations with England from the days of the Revolution to the time of Jay.[44] What use he intended to make of his assembled data is unclear; it is possible that he

proposed to turn the facts and arguments over to Madison as the basis of a speech in Congress.

Hamilton, after his initial shock, had determined to make the best of the treaty. If it did nothing else, at least it assured the United States of an indefinite period of peace; and peace was the all-important, all-essential consideration to Hamilton. As usual, he betook himself to pen and paper, and wrote a series of articles over the signature of "Camillus" which presented the most favorable aspects of the treaty in powerful argument and skilled forensic terms.

It was a dazzling performance. Jefferson read it in great alarm. Unless Hamilton was properly answered, the Federalists whom he had considered crushed, would rise again. There was one man, and one man only, competent to reply. In hot haste he wrote to Madison: "Hamilton is really a colossus to the anti-republican party. Without numbers, he is a host within himself. They have got themselves into a defile, where they might be finished; but too much security on the republican part will give time to his talents & indefatigableness to extricate them. We have had only middling performances to oppose to him. In truth, when he comes forward, there is nobody but yourself who can meet him. . . . For god's sake take up your pen, and give a fundamental reply to Curtius [Noah Webster] and Camillus." [45]

Madison read the frantic appeal with dismay. He was weary of answering Hamilton. What could one do with an antagonist who refused to accept defeat, or end a controversy, and whose pen seemed to flow inexhaustible fountains of ink? Nevertheless, once more and with many misgivings, he obediently set himself to the abhorred task.

It was all in vain, for the Senate finally ratified the treaty, though with one significant reservation. Even the Federalists had gagged at the terms of Article XII, and Hamilton himself admitted publicly that there was justification for refusing to accept the humiliating article. Yet, in spite of its omission, the Republicans were dissatisfied; and the struggle passed over to the House where they tried, and almost succeeded, in refusing the appropriations necessary to put the treaty into effect.

Jefferson approved of this backdoor method of getting around the Constitution, which had placed the treaty-making power solely in the hands of the Executive and the Senate. He believed the true theory rather to be that "the representatives are as free as the President & Senate were to consider whether the national interests requires or forbids [*sic*] their giving the forms & force of law to the articles over which they have a power." [46]

Edmund Randolph had evolved this convenient theory; but Randolph was by then on his way out of the State Department over the Fauchet incident. He asserted his innocence on the charge of bribery in a long pamphlet, which Jefferson hailed as impregnable. Yet, while thus politically defending his former co-worker, he took the opportunity to present still another of his many estimates of Randolph's character.

"The fact is," he told Giles, "that he [Randolph] has generally given his principles to the one party & his practice to the other; the oyster to one, the shell to the other. Unfortunately the shell was generally the lot of his friends the French and republicans & the oyster of their antagonists. Had he been firm to the principles he professes in the year 1793, the President would have been kept from a habitual concert with the British & Anti-republican party. But at that time I do not know which R. feared most, a British fleet, or French disorganizers.... Where the principle of difference is as substantial and as strongly pronounced as between the republicans & the Monocrats of our country I hold it as honorable to take a firm & decided part, and as immoral to pursue a middle line, as between the parties of Honest men, & Rogues, into which every country is divided." [47] Jefferson had no doubts as to who constituted the honest men and who the rogues in the United States.

During all this political intervention and activity, Jefferson still kept up his pretense of never reading the newspapers or paying any attention to politics. He was, he insisted, "in a retirement I doat on, living like an Antediluvian patriarch among my children & grand children, and tilling my soil." [48]

CHAPTER 40

The "Mazzei" Letter and Return to Politics

THE role of an "Antediluvian patriarch" was not all one long idyl. The spring of 1796 brought in its train a sufficiency of domestic problems and troubles. There had been a continued and unexampled drought, and the seeds that should long before have sprouted, showed no evidences of life as late as the end of April.[1] There was also the lengthy and unexplained illness of his son-in-law, Thomas Mann Randolph. He had gone to Warm Springs and even as far as New York seeking medical opinions and relief, but without success. A seated melancholy set in; the first significant symptom of an ailment that was to burst forth at a later date and end in tragic denouement.[2]

Jefferson's nailery was also running into difficulties. He had hoped that the local merchants would give their neighbor's product the preference over the imported article; but he ran into a situation which, perhaps naïvely, he had not anticipated. The regular importers resented the domestic competition and compelled the merchants, if they wished to obtain other items for their stock, to purchase the imported nails as well. Jefferson countered by selling direct to the retail storekeeper. He was turning out a ton of nails a month, and expected shortly to step up his production to a ton and a half.[3]

He set for himself at the same time a more public and disinterested task. The laws of Virginia had never been arranged or codified and, in their scattered manuscript state, were subject to mildew, fire and irretrievable loss. Jefferson had a strong historical sense and an understanding of the value of archival material. Too many precious Virginia documents had already been lost to posterity, and he took upon himself the task of collecting what manuscripts remained, in order, he said, "that when the day should come in which the public should advert to the magnitude of their loss in these precious monuments of our property, and our history, a part of their regret might be spared by information that a portion has been saved from the wreck." Much of the material was in the hands of private individuals with a too careless sense of its importance, and Jefferson enlisted Wythe's services in ferreting it out. He had already made a collection of laws and other pertinent documents covering the period from 1624 to 1783, and he sought now to bring his collection up to date. Nor would

he rest until the entire mass was properly printed at the public expense, and copies deposited in public offices and libraries.[4] It was largely due to Jefferson's indefatigable efforts that as many irreplaceable Virginia documents have come down to us as did.

He also received the ultimate recognition from the American Philosophical Society. On the death of David Rittenhouse, its president, in 1796, the Society elected Jefferson to the chair and retained him in it, in spite of polite protests on his part, for almost twenty years. The honor pleased Jefferson as much, if not more, than most of his political offices, and he hastened to present a scientific paper on the fossil leg bones and joints of a hitherto unknown quadruped that had been discovered in western Virginia.[5] These bones (from the giant sloth) were so immense that he exultantly offered them as one more proof of the falsity of Buffon's theory of "the pretended degeneracy of animal nature in our continent," and urged further explorations to uncover other remains.[6]

But his chief interest was the remodeling of his home. From its very inception, Monticello had been in a constant state of turmoil, with old structures being torn down and new ones being erected on an ever more magnificent architectural scale and in conformity with newer and more grandiose ideas. This year of 1796 stands out particularly as the high-water mark of activity.

Early in the spring he began the demolition of the upper portion of the house in which he lived. It had never really been completed, what with war and absences; and it had fallen into decay. So much so, indeed, that Jefferson found the interior timbers rotten and shaky. The brick walls, however, proved solid; and his seven workmen were unable to pry loose more than three to four thousand bricks a day. The resultant noise, confusion and danger from falling bricks—one laborer was hit and injured—were indescribable. During the alterations and rebuilding, Jefferson and his family camped out "under the tent of heaven." It was a matter, he wrote ruefully to Volney, an expected guest, that "will require all our philosophy & patience"; but he was welcome nevertheless.[7]

What Jefferson had in mind was to remove the second-story attic and spread all of the rooms on a single ground floor. In place of the attic he proposed an octagonal dome, with a mezzanine balcony around the interior, thus providing privacy for bedrooms and toilet facilities. In his own suite, located on the ground floor, he provided a bed alcove between his dressing room and study, accessible to both, and with a clear passage between the two formed by ingeniously drawing the bed up into the recessed ceiling during the day. So determined was he to keep the great central room unencumbered beneath the vault of the dome that he paid little heed to the problem of getting up to the mezzanine rooms. Almost as an afterthought he built narrow tortuous stairs in the galleries leading

to the wings. He devoted much more time to the planning of noble proportions, to decorating the main rooms with classic friezes and mantels, with mythologic griffins and oxheads, with urns and Wedgwood inserts influenced by the style of Louis the Sixteenth and the brothers Adams.[8] He was fascinated by the oxhead motif which stemmed from Vespasian, and used it again in the University of Virginia.

Jefferson had expected to be finished by the end of the summer; but the undertaking was vaster than he had anticipated, and an early autumnal frost halted all proceedings. The next year his Vice-Presidency intervened; and the following spring found Monticello still roofless and forlorn.[9] As late as 1799 he was writing despondingly: "Scarcely a stroke has been done towards covering the house since I went away, so that it has remained open at the north end another winter. It seems as if I should never get it habitable." [10] The complete habitation, in fact, was not finished, if then, until after he had retired from the Presidency.

Early in 1796 Jefferson dropped his former pretense that he had no interest in politics. It was a presidential year and Washington had definitely made it plain that he was retiring at the end of his current term. That left the field wide open; and the political atmosphere grew thick with tension as party lines tightened and candidates were being groomed for the high office. By now, there was no question that official parties existed: the Federalist (or Antirepublican, as their opponents preferred to call them) and the Republican (or Democratic, as *their* adversaries derisively labeled them, a name which eventually they themselves accepted).

The opening gun was the struggle over the Jay Treaty. Jefferson was quick to see its value as campaign material. He exhorted his followers to keep pressing the treaty as an issue in the House of Representatives and insisted that the future construction of the Constitution depended on their action.[11] He lost patience with "the incomprehensible acquiescence of the only honest man [Washington] who has assented to it"; and so far forgot his usual caution to add: "I wish that his honesty and his political errors may not furnish a second occasion to exclaim, 'curse on his virtues, the[y]'ve undone his country.'" [12]

In fact, Jefferson had become heartily tired of Washington and the constant exaltation of his virtues; so much so that he committed one of the worst mistakes of his entire career. He unbosomed himself in a long letter to Phillip Mazzei. He felt himself safe in so doing, because Mazzei was in Italy and far removed from the American scene. But he failed to reckon with the effervescent enthusiasm and unthinking volubility of his distant friend.

Filled with indignation and exasperation over Washington's advocacy and signing of the Jay Treaty, Jefferson wrote on April 24, 1796, what has become known to history as the "Mazzei" letter.

The aspect of our politics [he penned] has wonderfully changed since you left us. In place of that noble love of liberty, & republican government which carried us triumphantly thro' the war, an Anglican, monarchical, & aristocratical party has sprung up, whose avowed object is to draw over us the substance as they have already done the forms of the British government. The main body of our citizens however remain true to their republican principles, the whole landed interest is republican, and so is a great mass of talents. Against us are the Executive, the Judiciary, two out of three branches of the legislature, all the officers of the government, all who want to be officers, all timid men who prefer the calm of despotism to the boisterous sea of liberty, British merchants & Americans trading on British capitals, speculators and holders in the banks & public funds, a contrivance invented for the purposes of corruption, & for assimilating us in all things to the rotten as well as the sound parts of the British model.

Thus far, though intemperate enough, Jefferson was merely paraphrasing what he had said in his notes to Professor Ebeling and on innumerable other occasions. But this time he touched the untouchable, continuing:

It would give you a fever were I to name to you the apostates who have gone over to these heresies, men who were Samsons in the field & Solomons in the council, but who have had their heads shorn by the harlot England. In short we are likely to preserve the liberty we have obtained only by unremitting labors & perils. But we shall preserve them, and our mass of weight & wealth on the good side is so great, as to leave no danger that force will ever be attempted against us. We have only to wake and snap the Lilliputian cords with which they have been entangling us during the first sleep which succeeded our labors.[13]

There was no question whom Jefferson meant by "the Samsons in the field & Solomons in the council" whose heads had been shorn by "the harlot England." Thus generically he referred to the single Washington. That he believed his appellations sincerely, there can also be no question; but that he put them into cold ink may be attributed to the condition of his health at the time. It was such, he told Mazzei, that he did not believe he had much longer to live.

The letter took months to travel to Italy; but when it arrived, Mazzei waxed so enthusiastic over this inestimable political exposé by his friend, Jefferson, that he translated it into Italian and had it published in a Florentine newspaper. There it might have rested, had not the Paris *Moniteur* picked it up, translated it into French, added some inimitable Gallic touches of its own, and republished it on January 25, 1797.

From there it was only a question of time when the American newspapers would get hold of it. *The Minerva* obtained a copy, diligently completed the circle by retranslation into English, and published the much-traveled letter on May 14, 1797, with some appropriate editorial comments of its own. "The foregoing letter," remarked *The Minerva*, "wears all the external marks of authenticity. And yet it seems hardly possible an American

could be capable of writing such a letter. As the letter is circulating in Europe, we deem it just, if a forgery, to give Mr. Jefferson an opportunity to disavow it."

An examination of the translation, despite the vicissitudes of language through which the original passed, discloses a remarkable fidelity to the original text. For example, the published version called England "whore" instead of "harlot"; and spoke of the "form" of the British government, instead of the "forms."

The only substantial difference was not the fault of *The Minerva;* it lay in an additional sentence which the *Moniteur* had thoughtfully tacked to the original piece, and which had not appeared in the Italian. "It suffices," it made Jefferson say, "that we arrest the progress of that system of ingratitude and injustice towards France, from which they would alienate us, to bring us under British influence, &c." [14]

With the publication in America, the fat was in the fire. Jefferson had either to deny or admit, as had happened to him before, and was to continue to happen in spite of former horrible examples. To admit was suicidal; though fortunately the publication came *after* the election and he was safely ensconced in the Vice-Presidency. For Washington, in spite of attacks, was still the idol of the nation, and could not be directly assaulted without arousing an indignation which the Federalists would have been only too happy to exacerbate. Yet how could he deny?

What made the whole business particularly delicate at this time was the fact that in the preceding year, and little more than a month after Jefferson had actually written the Mazzei letter, there appeared in Bache's *Aurora* of June 9, 1796, a full copy of the highly confidential questions on France which Washington had submitted to his Cabinet on April 18, 1793.

Published for partisan purposes in the current election, it was obvious that Bache could only have received the document from a highly placed member of government and a Republican. Jefferson had foreseen the finger of suspicion inevitably pointing to *him,* and had hastened to swear to Washington that he had nothing to do with the leak.[15]

Washington accepted his explanation and the additional protestation that someone was trying to "sow tares between you & me, by representing me as still engaged in the bustle of politics, & in turbulence & intrigue against the government." Jefferson left unmentioned the name of "this miserable tergiversator," but in the margin of his own copy he wrote the name of General Henry Lee.

As long as the subject was brought up, however, Washington admitted he had heard talk that Jefferson had spoken of him in derogatory terms; adding that he had always shut the mouths of the accusers. Filled with a sense of his own grievances, the President burst forth: "Until within the last year or two ago, I had no conception that Parties would, or even could go, the length I have been witness to," or "that every act of my administration would be tortured, and the grossest, and most insidious mis-representa-

tions of them be made (by giving one side *only* of a subject, and that too in such exaggerated and indecent terms as could scarcely be applied to a Nero; a notorious defaulter; or even to a common pickpocket)." [16]

With this exchange in the past, it is obvious that Jefferson was now, with the publication of the Mazzei letter (which seemed to prove everything he had previously denied) impaled on the horns of a particularly sharp dilemma. He therefore took refuge in his usual resource of silence, to which he was also urged by the friends he consulted. To Madison he sought to explain the subtle distinction between his original reference to the *forms* of the British government, and the published translation as the singular *form*. The former, he said, referred merely to such items as birthdays, levees, processions to parliament and inauguration pomposities; the latter, so he maintained, made him appear hostile to the *form* of the government itself, and therefore to the Constitution.[17] It is an ingenious distinction, but singularly unconvincing. On the reference to Samsons and Solomons, he was discreetly silent.

Madison agreed with him that it would be unwise to issue a public statement; though he forwarded without comment Monroe's belief that "honest men would be encouraged by your owning & justifying the letter to Mazzei." [18]

The Federalist press naturally fell upon the letter with unholy glee; while Washington, in the face of Jefferson's silence, took the alleged reference to himself much to heart.

As if to add fuel to Washington's unhappiness, a curious incident now occurred. He received a letter from Warren, in Albemarle County, Virginia, purporting to be signed by one John Langhorne, which referred indignantly to personal attacks on the President. Washington dismissed it with a brief note of thanks; but a month later came another letter, this time from John Nicholas of Charlottesville, with a fantastic story. Langhorne, so Nicholas wrote, was a pseudonym for Jefferson's favorite nephew, Peter Carr. The whole business, declared Nicholas, was a trick to get Washington to express sentiments in his reply that could be used publicly against him. With the letter came seemingly unimpeachable evidence of Langhorne's true identity.[19]

This time Washington was convinced of Jefferson's treachery. With stately anger he answered Nicholas: "Nothing short of the Evidence you have adduced, corroborative of intimations which I had received long before, through another channel, could have shaken my belief in the sincerity of a friendship, which I had *conceived* was possessed for me, *by the person* to whom you allude [Jefferson]. But attempts to injure those who are supposed to stand well in the estimation of the People, and are stumbling blocks in their way (by misrepresenting their political tenets) thereby to destroy all confidence in them; is one of the means by which the Government is to be assailed, and the Constitution destroyed." [20]

Thereafter Washington broke off all relations with Jefferson, and never spoke to him again for the brief year that still remained to him of life.

What induced young Peter Carr to write this mysterious letter can only be the subject of conjecture. John Nicholas, the informant, was a Federalist and no friend to Jefferson; and he may well have put a sinister meaning on an innocent note. Yet the question arises why Carr took such elaborate precautions to conceal his identity, even to the extent of arranging to pick up Washington's reply to the mythical Langhorne at the post office. Perhaps, in his resentment against the Federalist attacks on his uncle, he hoped to lay hands on some unguarded expression of Washington that would prove the correctness of Jefferson's estimate in the Mazzei letter. But there is absolutely no reason to believe that Jefferson knew anything of the affair; either then or later.

That Jefferson in 1796 considered Washington as the great stumbling block in the path of a Republican triumph is unquestionable. After Congress had adjourned, and the Jay Treaty became the supreme law of the land, he wrote bitterly to Monroe: "You will have seen by their proceedings the truth of what I always observed to you, that one man [Washington] outweighs them all in influence over the people who have supported his judgment against their own & that of their representatives. Republicanism must lie on its oars, resign the vessel to its pilot, and themselves to the course he thinks best for them." [21]

The Republicans were particularly incensed against Washington because they had hoped in this presidential year to use the Treaty as a means of gaining power; and Washington's prestige had apparently lulled the storm. Madison was quite frank about it. "The name of the President," he wrote Jefferson, "& the alarm of war, have had a greater effect, than were apprehended on our side, or expected on the other. A crisis which ought to have been so managed as to fortify the Republican cause, has left it in a very crippled condition." In eloquent testimony were the results of the local elections in New York and elsewhere, where victory had perched on the Federalist banner.[22] This was all the more disastrous, since it was the state legislatures that in most instances chose the presidential electors. Hence the choice of the next President might well be determined by the local balloting in the spring and early summer of 1796.

Inasmuch as Washington had definitely refused re-election, many of the Federalists turned to John Adams as his logical successor. But Hamilton, though retired, was still the leader of his party and the man to whom Washington's new Cabinet turned for advice. He was not favorably disposed toward Adams and would have preferred Thomas Pinckney of South Carolina, recently returned from his ministry to England.

In this instance, however, the New England Federalists refused to follow his leadership; and the specters of Jefferson and Burr assumed such threatening proportions that Hamilton finally acceded to the candidacies of

Adams for President and Pinckney for Vice-President. The resentful New Englanders, however, feared treachery and privately determined to "waste" some votes in order to ensure that Pinckney would not run ahead of Adams.

On the Republican side, there was even more backing and filling. Jefferson was head and shoulders above all other possible choices, even though he had previously avowed that he was finished with public office. But the Republicans considered him as the only candidate they could put forward who had any chance of success; and the prospect of four more years of Federalism filled them with alarm.

At a very late date Jefferson suggested Madison; but Madison could not swing the pivotal Middle Atlantic States and himself urged Jefferson to run. New York and Pennsylvania, it was generally acknowledged, would prove decisive. New England could be counted on to vote pretty solidly for the Federalist slate; though as early as June, John Beckley was cynically reporting that Massachusetts would cast half its ballots for Jefferson while giving *all* to Adams, "on the true Yankee ground, that the former will make an unexceptionable Vice President." [23] To understand the curious mathematics, it must be remembered that under the Constitutional provision presidential electors were chosen in accordance with local state law, and that each elector cast his ballot for *two* presidential candidates. When the total ballots were counted, the candidate receiving the most votes became President, and the runner-up Vice-President.

The South would wind up largely in the Republican column; but New York and Pennsylvania were in the doubtful column and the scene of fierce local contests and feuds. In New York, Hamilton reigned supreme among the Federalists; but the Republicans followed two rapidly diverging banners. One faction was controlled by former Governor Clinton and his nephew, De Witt Clinton; the other by Aaron Burr. Both were ambitious men, though Burr was by far the more able, and was building up a strong political machine in the form of the Tammany Society in New York City. After much secret negotiation and some chicanery, it was finally decided to run Burr for the Vice-Presidency on a ticket headed by Jefferson.

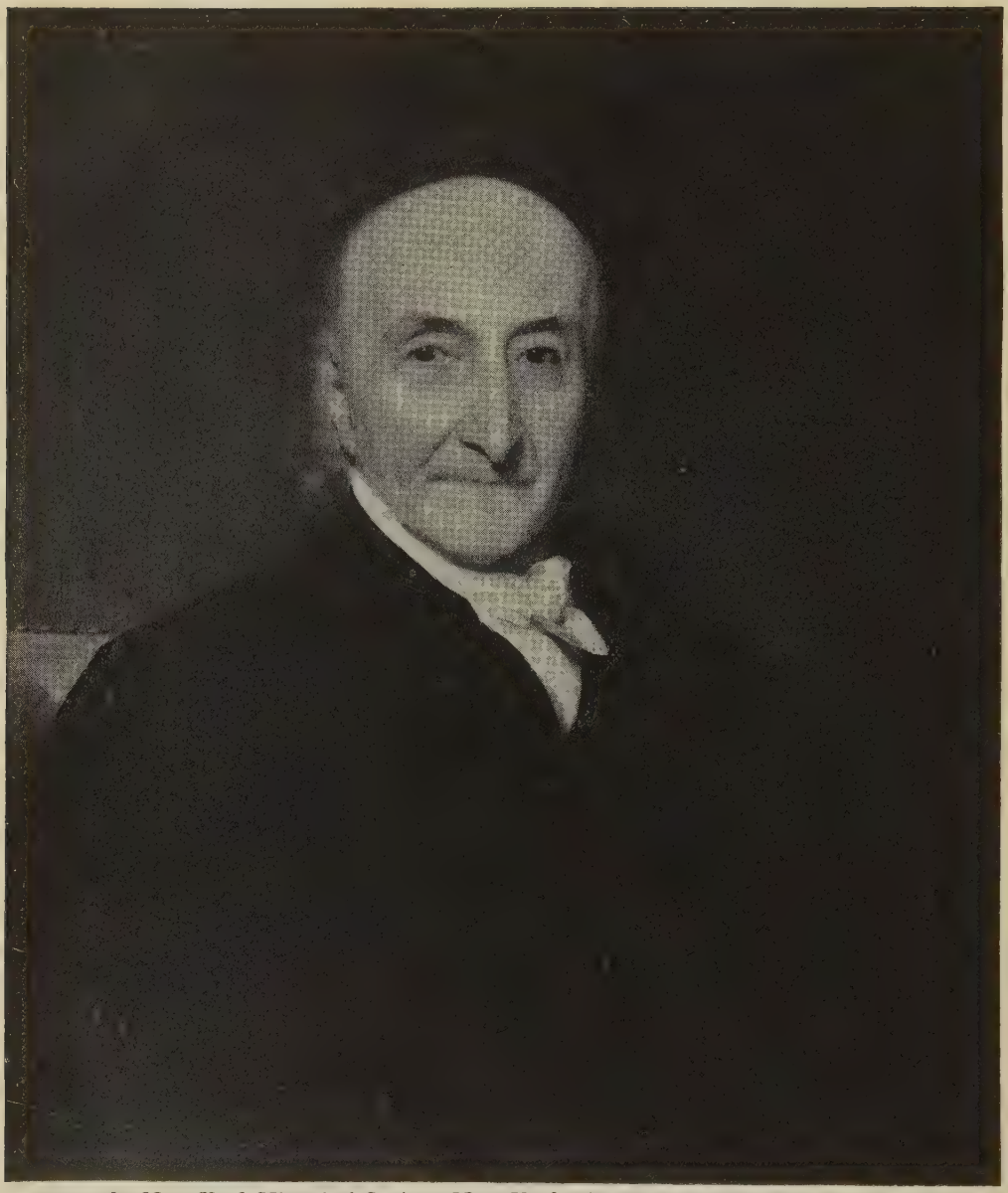
During this period of indecision and hunt for likely candidates, Jefferson remained quietly at Monticello, writing very few letters and saying nothing at all about the rising agitation that he become the Republican standard-bearer. He duly read in the September 13th issue of Bache's *Aurora* that "it requires no talent at divination to decide who will be the candidates for the chair. THOMAS JEFFERSON & JOHN ADAMS will be the men, & whether we shall have at the head of our executive a steadfast friend to the Rights of the People, or an advocate for hereditary power and distinctions, the people of the United States are soon to decide."

But not even this public announcement of his candidacy brought any response from the recluse of Monticello. He diligently avoided the topic in those letters which did come from his pen during this period, confining himself largely to neutral matters or to political generalizations unrelated to

Courtesy the Thomas Jefferson Memorial Association

THOMAS JEFFERSON

Plaster bust by Ceracchi



Courtesy the New-York Historical Society, New York City

ALBERT GALLATIN

Painting by William H. Powell

any specific candidate. He was seemingly more interested in surveying and computing the height of the neighboring Blue Ridge Mountains and in perfecting his moldboard for ultimate communication to the Philosophical Society.[24]

This was no mere pretense; yet it is equally true that had he definitely and publicly repudiated all claims to the nomination at this stage, Burr, Clinton and others would have been only too happy to come forward for the highest office. But he held his silence until it was too late; and even then, it was only privately and to close friends that he disavowed any intention to run.

As autumn came and waned, the various states held their elections, at times fixed by themselves and by methods in accordance with their own laws. In some instances, the legislatures chose the electors by joint ballot; in others, there was a measure of popular voting. Where there *was* popular balloting, but few of the inhabitants held the right of suffrage. Most states had strict property qualifications; it has been estimated that barely a sixth of the white, adult male population were permitted at the polls. It must also be understood that though, in most instances, it was known for which two men the electoral candidates would vote if chosen, they were bound neither by law nor custom to do so.

Beckley, who with Burr represented a new breed of practical politician, still felt as late as October that Hamilton was intriguing to place Pinckney rather than Adams in the chair of "old Automatous [Washington]"; but that the election would be close, with Pennsylvania decisive in the final result.[25]

In fact, as reports and rumors came filtering in from the several states, it became increasingly evident that such would be the case. Since the Pennsylvania election was one of the last to be held, all eyes turned toward that pivotal state. Governor Thomas McKean was himself Republican, and it was hoped that he would be able to swing his state into the proper column.

But Jefferson had his doubts. He countered his son-in-law's confident predictions with the assertion that "the preponderance of the McKain [*sic*] interest in the Western counties of Pensylvania is by no means as great as is there supposed. Few will believe," he complained, "the true dispositions of my mind on that subject. It is not the less true however that I do sincerely wish to be the second on that vote rather than the first. The considerations which induce this preference are solid, whether viewed with relation to interest, happiness, or reputation. Ambition is long since dead in my mind. Yet even a well-weighed ambition would take the same side."[26]

What may have added to his reluctance to return to office at this time was the state of his finances. They had always been in bad shape, but a crisis now impended. He was the owner of 150 slaves, but they were heavily mortgaged. Now, in consideration of a loan of $2,000 from the Dutch banking firm of the Van Staphorsts and Hubbard, he conveyed to them

the equity of redemption as an additional mortgage.[27] The rebuilding and expansion of Monticello was plunging him deeper and deeper into debt.

News of the election came with maddening slowness to the watchers in Virginia. At that distance the prospect seemed indeed black. On December 5th, Madison was writing cautiously to Jefferson that it was too soon to know the result; that it was even possible that Pinckney might win, as there were secret forces opposed to Adams because of his enmity to "banks & funding systems which is now become public, and by an apprehension that he is too headstrong to be a fit puppet for the intriguers behind the skreen." [28]

Five days later, though he pretended a tiny flicker of hope, Madison was certain that Pinckney was the next President, with Adams taking second place. "You *must* reconcile yourself," he nevertheless urged on Jefferson, "to the secondary as well as the primary station; if that should be your lot." [29] Even by Christmas Day, when the results were already well known in Pennsylvania, Madison thought that his friend was out of the running; though this time he gave the precedence to Adams over Pinckney.[30]

The week before, however, Jefferson was in such a state of jitters that he wanted Madison to take the Republican electoral votes; if that were impossible, then he prayed for himself to be either second or third. Even if there were a tie, and the election should thereby be thrown into the House of Representatives, he authorized Madison "to solicit on my behalf that mr. Adams may be preferred. He has always been my senior from the commencement of my public life, and the expression of the public will being equal, this circumstance ought to give him the preference." [31]

Now that the issue was in the balance, the prospect of becoming President seemingly terrified him. He assured Edward Rutledge that his name had been brought forward "without concert or expectation on my part; (on my salvation I declare it.) ... On principles of public respect I should not have refused; but I protest before my god, that I shall, from the bottom of my heart, rejoice at escaping. I know well that no man will ever bring out of that office the reputation which carries him into it.... I have no ambition to govern men; no passion which would lead me to delight to ride in a storm." [32]

He need not have worried. By now the results from Pennsylvania were pretty clear. On December 2nd, Governor McKean had publicly declared that 13 of the 15 Pennsylvania electors would vote for Jefferson and Burr, and 2 for Adams and Pinckney.[33] On December 7th, the electors met and cast 14 votes for Jefferson, 13 for Burr, 2 for Pinckney and 1 for Adams.[34]

Since the results from the other states were now all in, it was definite that Adams had been elected President with 71 electoral votes, and Jefferson Vice-President with 68 votes. Pinckney and Burr trailed with 59 and 30 respectively.

Both Pinckney and Burr had reason to suspect treachery. New England

Federalists had cast away votes from Pinckney in order to ensure Adams's election, and thereby deprived him of the Vice-Presidency. Burr noted that the solidly Republican state of Virginia—Jefferson's private bailiwick—had cast a unanimous vote for Jefferson, but only a single vote for his running mate.

A curious dispute, moreover, arose in Pennsylvania. It seemed that two Jeffersonians had actually been elected in western Greene County, but the official returns were not submitted to the state authorities in time. Meanwhile, two Federalists had presented themselves, claiming election, and had been admitted. One of them, as might be expected, cast his ballot for Adams; but the other most surprisingly voted for Jefferson!

This contretemps created a tremendous mix-up, the repercussions of which have not died down to the present day. The Republican press raised an outcry then, insisting that Jefferson had in fact been elected; and as late as 1948 an article appeared in the *New York Times* repeating the allegation.[35]

The claim was based on the assumption that the votes of the two rejected Republican electors would have gone to Jefferson, which is correct; and that both ballots cast by the usurping Federalists went to Adams, which is untrue. One of the Federalists—a man named Powell—voted for Pinckney and Jefferson, and omitted Adams. Therefore, even had both votes been thrown out, and Republican votes for Jefferson and Burr substituted in their place, Adams would still be in the lead with 70 votes; while Jefferson's total would have risen to 69, just one short of a tie.

Jefferson was well aware of the truth, and explained the tangle at length to his son-in-law. When a Republican publication attempted to revive the controversy during the election of 1800, he amplified the details in a private memorandum, frankly admitting that he had been previously fairly defeated.[36]

Jefferson was sincerely happy that he was second to Adams. Even Madison grew reconciled, expressing the hope to Jefferson that the closeness of the vote would "lessen the evil of such an ostensible protest by this country agst Republicanism. Your acceptance of a share in the administration will not fail to aid this tendency."[37]

Fearing, indeed, that his friend might refuse the Vice-Presidency, Madison kept urging him and painted a picture of the influence he could exercise over Adams in the field of foreign affairs, adding artfully that Adams "is said to speak of you now in friendly terms and will no doubt be soothed by your acceptance of a place subordinate to him."[38]

This last brushstroke touched Jefferson. He composed an effusive letter to Adams:

DEAR SIR,—The public & the papers have been much occupied lately in placing us in a point of opposition to each other. I trust with confidence that less of it has been felt by ourselves personally. In the retired canton where I am, I

learn little of what is passing; pamphlets I see never; papers but a few; and the fewer the happier.... I have never one single moment expected a different issue [of the election]; & tho' I know I shall not be believed, yet it is not the less true that I have never wished it. My neighbors as my compurgators could aver that fact, because they see my occupations & my attachment to them. Indeed it is impossible [*sic* for *possible*] that you may be cheated of your succession by a trick worthy the subtlety of your arch-friend of New York [Hamilton] who has been able to make of your real friends tools to defeat their and your just wishes. Most probably he will be disappointed as to you; and my inclinations place me out of his reach. I leave to others the sublime delights of riding in the storm, better pleased with sound sleep and a warm birth [*sic*] below, with the society of neighbors, friends & fellow-laborers of the earth, than of spies & sycophants.... I have no ambition to govern men. It is a painful and thankless office. Since the day too on which you signed the treaty of Paris our horizon was never so overcast. I devoutly wish you may be able to shun for us this war by which our agriculture, commerce & credit will be destroyed. If you are, the glory will be all your own; and that your administration may be filled with glory, and happiness to yourself and advantage to us is the sincere wish of one who tho' in the course of our own voyage thro' life, various little incidents have happened or been contrived to separate us, retains still for you the solid esteem of the moments when we were working for our independence, and sentiments of respect and affectionate attachment.[39]

After rereading what he had written, Jefferson hesitated. Should he send it or should he not? He sought Madison's reliable advice, sending him the letter and placing the decision with him. "If mr. Adams," he said, "can be induced to administer the government on its true principles, & to relinquish his bias to an English constitution, it is to be considered whether it would not be on the whole for the public good to come to a good understanding with him as to his future elections. He is perhaps the only sure barrier against Hamilton getting in." [40]

But Madison thought it unwise to forward Jefferson's letter, and told him so. Adams, he wrote back, was already aware that Jefferson felt warmly toward him, and the effusive nature of the communication might give rise to suspicions of ulterior motives. The new President was also sufficiently aware of Hamilton's machinations and, Madison added dryly, "there may be a danger of his suspecting in mementos on that subject, a wish to make his resentment an instrument for avenging that of others." [41]

Jefferson acknowledged the force of his friend's reasoning, and the letter was never sent.[42] Nevertheless, word of his new Vice-President's declarations of regard filtered through unofficially to Adams, and pleased him immensely. Ironically enough, Adams believed that Jefferson was himself being flattered by the Francophiles for purposes of their own, and that *he* could hold him steady. He set down his belief in a hitherto unpublished letter that throws considerable light on the tangled maneuverings on both sides.

"Mr Jeffersons Letters and Declarations," he confided to a political friend, "are no Surprise to me. We laboured together in high friendship in Congress in 1776 and have lived and dined together very frequently since that time. His Talent and Information I know very well, and have ever believed in his honour, Integrity, his Love of his Country and his friends. I may say to you that his Patronage of Paine and Freneau, and his Entanglements with Characters and Politicks which have been pernicious, are and have long been a Source of Inquietude and Anxiety to me, as they must have been to you. But I hope and believe that his Advancement and his Situation in the Senate, an excellent School, will correct him. He will have too many French Friends about him to flatter him: but I hope, we can keep him Steady. This is entre nous." [43]

Thus, in the open, everything seemed sweetness and light, with the savage personalities of the campaign forgotten. Jefferson testified to his esteem for Adams, and Adams countered with similar protestations. Just as Jefferson's pronouncements had come to Adams, so Jefferson in turn heard that Adams "speaks of me with great friendship, and with satisfaction in the prospect of administering the government in concurrence with me." Though glad to hear of it, he would refuse, so he declared, the offer of a Cabinet position, if one were made. "I cannot have a wish," he wrote Madison with retrospective shudder, "to see the scenes of 93. revived as to myself, & to descend daily into the arena like a gladiator, to suffer martyrdom in every conflict." [44]

Remembering the ironic laughter that greeted Adams's attempted "monarchical" trappings when he was inducted into the Vice-Presidency, Jefferson wanted his own ceremony to be as simple and informal as possible. He asked both Madison and Henry Tazewell for advice. He would have liked to remain at Monticello and receive the official notice of his election by mail; but then he feared that he might be considered as sulking in his tents over his failure to win the Presidency. Therefore he would go to Philadelphia. But, he warned, he wished for no official welcome, and would try to "escape into the city as covertly as possible." [45]

These were perhaps trifles, but they gave Jefferson considerable trouble. He believed that *forms* were important, as symbolizing the inner content to the public. Ceremony was an essential trapping of monarchy; a republic ought to manifest itself in simplicity and modest behavior. He therefore remained at Monticello until the twentieth of February; then rode for Philadelphia, arriving on March 2, 1797—only two days before he was due to be sworn in as Vice-President of the United States.

CHAPTER 41

Vice-President Jefferson

THE administration of John Adams commenced under inauspicious circumstances. If relations with England were somewhat better because of Jay's treaty—inadequate as it was—those with France were considerably worse. A steady succession of French ministers had managed to keep the pot boiling furiously; first Genêt, then Fauchet, and now M. Adet, the last of a curious trio.

France, flushed with a series of victories over England and her allies, was pushing revolution into every nook and cranny of the Continent, and was not disposed to treat as an equal with the futile little republic across the seas. She dismissed American neutral rights as contemptuously as ever the British had done, and paid no heed to any protests. It was now the Federalists who breathed fiery demands for war against the transgressor. Hamilton, ill at ease in his retirement, joined the fray with a series of public papers, in which he demanded Adet's recall and roused the people against supineness in the face of French aggression.[1]

Jefferson was greatly alarmed over the situation. War even with England had been far from his thoughts; war with France was unthinkable. Yet the clamor grew; every eastern merchant, every shipowner and moneyed man joined in public meetings and memorials. And Hamilton had added his powerful pen.

However, Jefferson hoped that war could be avoided. "I do not believe," he had written Madison, "mr. A[dams] wishes war with France; nor do I believe he will truckle to England as servilely as has been done. If he assumes this front at once, and shews that he means to attend to self-respect & national dignity with both the nations, perhaps the depredations of both on our commerce may be amicably arrested. I think we should begin first with those who first begin with us, and, by an example on them, acquire a right to re-demand the respect from which the other party has departed." [2] In other words, France had merely been following England's example; and if the United States was to become "tough," let it be with England first.

He was inclined at this time to blame everything on Washington, whom he sarcastically described as "fortunate to get off just as the bubble is bursting, leaving others to hold the bag." Any trouble that might arise would be attributed to the new administration; and Washington would have his "usual good fortune of reaping credit from the good acts of others, and leaving to them that of his errors." [3]

In fact, Jefferson's letters of this period are extremely bitter against his

former chief. Not long before, he had composed the "Mazzei" letter; he wrote another one now that, had it ever been made public, would have raised a storm to which the former would have been mere polite afternoon tea. For here there was no opportunity to claim mistranslations or wrong interpretations. It was specific, detailed, enlightening.

Addressing Archibald Stuart, his business agent and friend, Jefferson unbuttoned himself. "I shall speak explicitly," he wrote, "because I know I may do it safely to you. Such is the popularity of the President [Washington] that the people will support him in whatever he will do or will not do, without appealing to their own reason or to anything but their feelings toward him. His mind has been so long used to unlimited applause that it could not brook contradiction, or even advice offered unasked. To advice, when asked, he is very open. I have long thought therefore it was best for the republican interest to soothe him by flattering where they could approve his measures, & to be silent where they disapprove, that they may not render him desperate as to their affections, & entirely indifferent to their wishes, in short to lie on their oars while he remains at the helm, and let the bark drift as his will and a superintending providence shall direct." [4]

The new President, Adams, however, was a different matter. Jefferson was certain that he too would be amenable to flattery, but that no such circumspection in handling him was required as with Washington. And Hamilton's influence and policies, so potent in the preceding administration, would no longer have any effect. In this he was mistaken, but for reasons which neither he nor Adams understood at the time.

Jefferson's conception of the Vice-Presidency was most modest. The Constitution had been singularly vague concerning the duties of the second highest officer of the land, mentioning specifically only his right to preside over the Senate and his contingent succession to the Presidency in case of the incumbent's death, resignation or removal.

The first to hold the office, Adams, had fumed over his own futility; though occasionally Washington called on him for advice. But Jefferson, at the very beginning, hastened to disavow any part in Cabinet proceedings. The Vice-Presidency, to him, was limited strictly to the Constitutional provision of a presiding officer in the Senate, and he wanted it to remain as such.[5] The results were unfortunate, both during his own term, and ever after. For the office, because of this interpretation. became a haven for mediocrities and a plum for the payment of political debts.

Jefferson had slipped into town almost unnoticed on March 2nd, via the anonymity of the stagecoach. He put up at Madison's lodgings, and then called on Adams. The next day Adams returned the call, closed the door, and plunged into the situation with France. So alarming was it that he proposed an immediate mission to the ruling Directory. He would have preferred to send Jefferson, he declared, but that he was needed at home. Therefore he intended to send Madison and Elbridge Gerry. Would Jeffer-

son sound out Madison? Jefferson did so, and Madison declined; much to Adams's relief, for the Federalist leaders when they heard of it raised strong objections. This, according to Jefferson, was the first and last time that Adams ever consulted him on measures of government; a fact which he atrributed to the private expostulations of the members of the Cabinet.[6]

This may well have been. For the Cabinet was an inheritance from Washington's administration, and contained extreme Federalists and Hamilton's personal henchmen: Timothy Pickering in the State Department, Oliver Wolcott in the Treasury, and James McHenry in the Department of War. Unknown to Adams, they secretly imparted to their distant leader complete information of Cabinet discussions and proposed measures, and did nothing of major importance, or even rendered an opinion, until Hamilton in New York had first advised them what to do.

No wonder Hamilton wrote sarcastically to his friend, Rufus King, now minister to England, concerning the new heads of government: "Mr. Adams is President, Mr. Jefferson Vice President. Our Jacobins say they are well pleased, and that the *Lion* & the *Lamb* are to lie down together. Mr. Adams' PERSONAL friends talk a little in the same way. Mr. *Jefferson* is not half so ill a man as we have been accustomed to think him. There is to be a united and vigorous administration. Sceptics like me quietly look forward to the event, willing to hope, but not prepared to believe." [7]

Hamilton's scepticism was justified, for he had much to do with the ensuing disunity and confusion. Adams was in office a bare two days when he first fell into the toils of the cabal. He inquired of the Cabinet—in accordance with the precedent established by Washington—what course should be pursued with France. But the members, before replying, forwarded the questions to Hamilton with an inquiry as to *his* opinion. To each, Hamilton replied in similar vein: let a mission go, composed of Pinckney, an opposition leader like Jefferson or Madison, and a "safe" man like George Cabot or Jay. Pending the result, let an immediate embargo be placed against France—a procedure he had repudiated in former days when aimed at England; increase the navy and raise a provisional army.[8]

McHenry meekly turned in Hamilton's report almost verbatim to Adams; but Pickering and Wolcott—more extreme in their views than Hamilton himself—balked. *They* thought the proposed procedure too placating of France on the one hand, and of the Republicans on the other. But their rebellion proved abortive; for the balance of Adams's administration they faithfully followed Hamilton's direction, and bedeviled and sabotaged their titular head at every step. It was an amazing situation that led to ultimate explosion, and was in large part responsible for the Federalists being swept out of office at the next election.

Jefferson, in accordance with his own view of the duties of his office, was a complete outsider. He busied himself with his private affairs and presided discreetly over the Senate when that body was in session. A week

or so after induction into office, he went to view an elephant and some elks on exhibition; and sought to purchase at 3,000 livres a bust of himself by the sculptor Ceracchi.[9]

After his first inconclusive interview with Adams—and the extended silence thereafter—Jefferson decided that the President had returned to his former Federalist party views and that further co-operation would be impossible. All that could be done now must be done through the Republican members in Congress and through incessant education of the people. Meticulously he put down in his private notes every bit of gossip he could collect concerning the aristocratic, nonrepublican views of Adams, and of the decided monarchical sentiments of the leading Federalists. He continued this self-imposed chore all through his Vice-Presidency.[10]

Indeed, he took his official duties so lightly that he quit his post ten days after his inauguration, and returned to Monticello. On March 20th, he rode up the beloved mountain, his heart gladdened with the sight of his peach and cherry trees in full blossom. Three days later, asparagus and spinach from his own garden appeared fresh on his table, and he expanded blissfully in the warmth and geniality of the days, after the frosts and snows he had left behind.[11]

Politics were also left behind. He examined his building operations afresh. He disapproved heartily of the custom which had been imported from European cities, where land was scarce, of raising homes to heights of two, three and even four stories. Though the custom had already disappeared in Europe, it was still being slavishly copied in America. In Paris, as a matter of fact, new houses were of a single story only, with high-ceiled rooms devoted to entertainment, and the bedrooms relegated to two tiers whose total height matched the one story of the public rooms. The upper tier was reached by a small, private staircase. "By these means," wrote Jefferson, "great staircases are avoided, which are expensive & occupy a space which would made a good room in every story." [12] This hitherto unpublished comment throws a new light on what has always puzzled commentators on Monticello—the narrow, steeply pitched and inconvenient stairs. They were not original with Jefferson, but a copy of what he had seen in Paris during his ministry.

As usual, scientific pursuits continued to fascinate him. He toyed once more with an old idea of his to have correspondents in every county of Virginia take daily temperature readings and forward their observations to him. He believed there was a direct correlation between temperature and wind direction, and he hoped to prove his thesis by charting both variables on a series of maps. In time, he proposed to cover the entire United States.[13]

A gift of bread-tree seeds from France evoked a characteristic response. "One service of this kind rendered to a nation," he exclaimed, "is worth more to them than all the victories of the most splendid pages of their

history, and becomes a source of exalted pleasure to those who have been instrumental to it." [14]

He also listened with approval to Dr. Rush's analogy between the former animal tyrants who had roamed the ancient American forests—and of whom only fossil bones remained—and the human kings and tyrants of Europe. Just as the gigantic animals of yore had been extirpated by a confederacy of smaller beasts, may we not hope, asked the optimistic doctor, "that kings will be extirpated from the face of the earth by a general insurrection of the reason and virtue of man, and that the exhibition of crowns, sceptres and maces, like the claws & bones of extinct animals, shall be necessary to prove to posterity, that such canibals ever existed upon our globe?"

But whether Jefferson equally approved of a paper which Rush announced in preparation is not known. This, declared the doctor, was intended to prove "that the black Color (as it is called) of the Negroes is the effect of a disease in the Skin of the Leprous kind." [15]

Jefferson had hoped to be able to roof in his building during a summer's stay at Monticello. He was suffering from a rheumatic attack and, he told the French scientist Volney, "as far as my indisposition & solitude could permit I have been in the enjoiment of our delicious spring. The soft genial temperature of the season, just above the want of fire, enlivened by the reanimation of birds, flowers, the fields, forests & gardens, has been truly delightful." In short, he was residing in the Eden of America.[16]

Alas, he was now compelled to leave his Eden. A summons had come from Philadelphia. Congress was meeting on the 15th of May, and he was required to preside over the Senate. He was reluctant to go, both because of his rheumatic condition and because he dreaded a convocation of Congress at this particular time. If peace with France had been decided on, there would have been no need for a meeting of Congress. Its summoning, therefore, had an ominous ring.[17]

It was with grim forebodings that he girded himself for the journey; comforting himself with the knowledge that, traveling by stage, he would have "an opportunity of plunging into the mixed characters of my country, the most useful school we can enter into, and one which nothing else can supply the want of. I once intimately knew," he told Volney, "all the specimens of character which compose the aggregate mass of my fellow-citizens. But age, office, & literature have too long insulated me from them. I find that either their features or my optics have considerably changed in twenty years." [18]

He had barely entered Philadelphia, however, when the publication of his "Mazzei" letter rocked the nation. The repercussions were felt even in Europe. Young John Quincy Adams, stationed in London, read it with considerable dismay and wrote his mother, Abigail, that the letter "shows a mind full of error or an heart full of falsehood. I cannot yet believe this last to be the case. My old sentiments of respect veneration and attachment still hang about me with regard to that man." [19]

At home his parents, though somewhat shaken, similarly clung to their old attachment to Jefferson. The final break did not come until Jefferson was President; and *then* only because of this very son who now avowed his allegiance.

Jefferson was now fifty-four; and a description of him at this time has come down to us, penned by an avowed enemy and put on paper at a much later date with the frank acknowledgment that it was not "offered with confidence."

The author, William Sullivan, described him as long-limbed and loose-jointed, with a sandy complexion, hair of reddish hue, combed loosely over his forehead and tied behind in a queue. His forehead was high and broad, his eyebrows long and straight over eyes of blue. His cheekbones were high, his chin long and his mouth large. His dress was ordinarily a black coat with light-colored underclothes. His manners were unpolished, but his deportment was simple, sober, quiet and unobtrusive. He spoke calmly and deliberately, without any gestures. The expression on his countenance was thoughtful and observant, but neither open nor frank, and his eyes were evasive.[20] Taking into consideration that this was the appraisal of a political foe, it was fair enough.

Congress opened its session in an inflamed atmosphere both at home and abroad. French seizures of American ships had far outdistanced the worst spoliations of the British in previous years; and all demands for restitution were met with arrogant refusals. Monroe, the Minister to France during the closing years of Washington's administration, had conducted himself in such fashion that he had been recalled, much to his own anger and that of his friends.

The question before the new Congress, just as Jefferson had dreaded, was one of peace or war. Adams's opening message, according to his Vice-President, was of a sufficiently warlike nature to cause a drift in the direction of war among the members.[21]

Actually, the speech was nothing of the sort. It pointed out, as the President had a right to do, the serious nature of the situation and stated the facts—that the French government had refused to receive the new American minister sent to replace Monroe, that fresh decrees had been issued which added to the ravages on our commerce, and that a permanent system of naval defense was essential.[22]

What Jefferson had feared most of all—the establishment of an embargo on France—appeared neither in the message nor in Congressional debate. The Virginia tobacco exporters, who would have been hardest hit, could be tranquil on that subject, Jefferson reported to his son-in-law. But a week later, much to his dismay, the ominous subject had suddenly reared its head. Jefferson's own interests were involved. He had withheld his tobacco from the market in the expectation of a rise in prices. But if an

embargo were laid and foreign sale thereby became impossible, the price would drop precipitously.[23]

It was with a peculiarly helpless feeling that he watched the march of events. For Virginia had betrayed the Republican cause in the recent elections, with the result that, instead of the expected majority in the House, the two parties were so evenly balanced that measures were decided on utterly fortuitous grounds.[24] The Senate, over which Jefferson personally presided, was strongly Federalist. His role was solely that of arbiter of the rules; he could neither participate in the business before the Senate nor cast a vote.

Little is known of his conduct in the chair, except that he conscientiously prepared himself for the task. As soon as his election had been confirmed, he began a careful study of the parliamentary rules of procedure, reading all the books on the subject on which he could lay hands, and calling on Wythe for assistance. Unfortunately, Wythe proved of little help; he had lost his old notes and his memory had failed him.[25] Undeterred, from his books and his inquiries Jefferson was able to compile a set of rules of procedure that still possess considerable value for legislative use.

The Senate's reply to the Presidential address, so Jefferson thought, was fully as "high toned" as the address itself; but fortunately, the news of the failure of the Bank of England cooled down the war fever. Even the most extreme Federalist, in the face of that surprising debacle and its attendant train of American bankruptcies, thought twice before entering on a major war at this moment. The high talk died down to a whisper—of arming American ships for defense against French aggression.[26]

Nevertheless, Jefferson lost none of his pessimism over the outcome. Nothing but the desperate condition of England had prevented the Federalists from joining openly with that country. His vivid imagination conjured up the horrors yet to come. "When I contemplate the spirit which is driving us on here," he wrote gloomily to Thomas Pinckney, recently returned from England, "& that beyond the water which will view us as but a mouthful the more, I have little hope of peace. I anticipate the burning of our sea ports, havoc of our frontiers, household insurgency, with a long train of et ceteras, which is enough for a man to have met once in his life." [27]

He was particularly alarmed over the cession of Louisiana by Spain to France; thereby placing the latter, in case of war, on our most vulnerable flank. "War," he declared firmly, reverting to his pet thesis, "is not the best engine for us to resort to, nature has given us one *in our commerce*, which, if properly managed, will be a better instrument for obliging the interested nations of Europe to treat us with justice." If only that potent weapon had been employed at an earlier stage (against England), "we should at this moment have been standing on such an eminence of safety & respect as ages can never recover." [28]

In thus harking back to his old idea of an embargo against England, he

failed to note the inconsistency of his passionate objection to an embargo against *France*, the current despoiler of American commerce.

Adams, in spite of Jefferson's apprehensions, was no warmonger. He ardently desired peace if it could be obtained without loss of honor, and he was willing to go to substantial lengths to find a *modus vivendi* with the victory-swollen rulers of France. When Jefferson had first arrived in Philadelphia, he had sounded him out as one of a proposed triumvirate of special plenipotentiaries to France. Jefferson had refused; so had Madison. Undeterred, Adams persisted. He wanted no renewal of the partisan uproar over the Jay mission, and sought to balance his appointments so that all factions might be satisfied. He finally determined on John Marshall of Virginia and Charles Cotesworth Pinckney of South Carolina (not to be confused with Charles Pinckney, a cousin), both Federalists, and Elbridge Gerry of Massachusetts who, if still technically a Federalist, already showed Republican leanings.

Jefferson's first reaction was one of suspicion. He did not believe it disclosed any real conversion of Adams to the cause of peace.[29] But nothing of this appeared in his letter of congratulation to Gerry. Urging him to accept the post, Jefferson sought skillfully to guide him in the task ahead.

> Peace [he asserted] is undoubtedly at present the first object of our nation. Interest & honor are also national considerations. But interest, duly weighed, is in favor of peace even at the expence of spoliations past & future; & honor cannot now be an object. The insults & injuries committed on us by both the belligerent parties from the beginning of 1793, to this day, & still continuing by both, cannot now be wiped off by engaging in war with one of them. . . . Our countrymen have divided themselves by such strong affections to the French & the English, that nothing will secure us internally but a divorce from both nations . . . but for this peace is necessary. Be assured of this, my dear Sir, that if we engage in a war during our present passions & our present weakness in some quarters, that our union runs the greatest risk of not coming out of that war in the shape in which it enters it.[30]

The passions of which Jefferson spoke so earnestly had indeed risen to an unprecedented degree. "Men who have been intimate all their lives," he noted, "cross the streets to avoid meeting, & turn their heads another way, lest they should be obliged to touch their hats. This may do for young men," he added plaintively, "with whom passion is enjoyment. But it is afflicting to peaceable minds."[31]

Congress was similarly a battleground, with the Federalists ruling the Senate and a wavering balance in the House. The bills which were pushed through both Houses in the first rush of excitement excited Jefferson's utmost apprehension. All of them, including pending bills for fortifications along the coast and for manning three frigates, were to him aggressively warlike measures.[32]

With Congress thus taking the bit in its mouth, Jefferson began to think seriously of mending political fences. The sudden reversal in Virginia had alarmed him, and he looked to New York for aid, where Aaron Burr at the moment seemed the dominant political figure. He wrote Burr a careful letter which at once recalled himself to that gentleman's memory and sought by indirection his services in swinging New York and other eastern states over to the Republican camp.[33] It was the beginning of an alliance that was to have portentous results in the lives of both men and in the fortunes of the nation.

But Jefferson's worst fears were not realized. When Congress finally rose, war had not been declared and instead, a mission had been chosen to seek for a peaceable solution of the difficulties with France. It was therefore with a lighter heart that, on July 6, 1797, Jefferson quit the arid atmosphere of Philadelphia for the mountain breezes of Monticello.

His normal eagerness for home was enhanced by news that had come a month earlier. Maria—his affectionate Polly—had fallen in love. Her young affections had centered on John Wayles Eppes, one of her innumerable cousins, with whose family Jefferson was on the most cordial terms. He hailed the information with considerable satisfaction. Since Martha's marriage his single anxiety had been to see Maria follow suit. The choice she had made could not have been more to his wishes and, he happily prophesied, "I now see our fireside formed into a groupe, no one member of which can ever produce any jarring or jealousies among us. No irregular passions, no dangerous bias, which may render problematical the future fortunes & happiness of our descendants." He would, he avowed, present to them the plantation on Pantops, a lower elevation directly opposite Monticello.[34]

There was much to keep him busy: he had to prepare for the impending wedding, hasten his constructions and live gypsylike elsewhere during the confusion, and entertain his visitors, Madison and Monroe, in the midst of turmoil and disorder. But politics invaded even this domestic scene.

Monroe, furious at his recall and smarting under the abuse which the Federalist press had heaped upon his ministry in France, intended to defend himself in a pamphlet which at the same time would attack the whole basis of Washington's foreign policy. He undoubtedly showed the manuscript to Jefferson and sought his aid in choosing a title for it.[35] The assault on Washington was slashing and intemperate; and the Federalists, when it finally appeared, retorted in kind, drawing from Madison the remark that the counterattacks seemed to be officially inspired and proved that Monroe's pamphlet had hit its mark.[36] Washington was no longer sacrosanct to the embattled Republicans.

The latter were now definitely on the offensive; and Monroe's pamphlet had barely reached the press when another publication appeared which preferred the most serious charges against Alexander Hamilton.

One James Thomson Callender, a Republican hack pamphleteer, had undertaken a long-winded *History of the United States for the Year 1796* in which history became a Roman holiday and a justification of Republican principles. In this praiseworthy task he received moral encouragement and more-welcome financial aid from a group of Republican leaders. At this stage Jefferson's contribution was modest, amounting only to a subscription of $15.14 for the initial installments.[37] Later on, however, he gave Callender more substantial contributions.

In the fifth installment of his History, Callender accused Hamilton of bribery, corruption and financial malfeasance in the conduct of the Treasury during the years 1792-93, buttressed with what seemed damning and unimpeachable evidence. This evidence was probably furnished Callender by Monroe or John Beckley, or both. Thus faced with the possibility of the ruin of his political honor, Hamilton chose rather to destroy his private reputation, and wrote an amazing response that unfolded a sordid tale of adultery and blackmail which has become known in history as "the Mrs. Reynold's affair." He also charged that Monroe had personally known the true facts—which he had—and that he had instigated Callender's current assault. A duel almost resulted, and was only prevented by the intermediary offices of Aaron Burr.

Though he knew the inside story, Jefferson nevertheless was not too unhappy over the predicament in which Hamilton found himself. He sneered at the latter's defense and declared that, "finding the strait between Scylla and Charybdis too narrow for his steerage, he has preferred running plump on one of them. In truth, it seems to work very hard with him; and his willingness to plead guilty as to the adultery seems rather to have strengthened than weakened the suspicions that he was in truth guilty of the speculations."[38] Jefferson was always willing to believe the worst of his great antagonist.

He also continued to sponsor Callender. That worthy appealed to him for some financial assistance in the progress of his History, and suggested the modest sum of five or ten dollars. The check, however, was to be made out in the name of a designated third party. Jefferson obliged somewhat later with purchases of his pamphlets and several donations of $50 each.[39] All of which elicited from the still modest Callender the thankful response that "if I could find any 4th person to do what Mr. D[allas], or ½ of what L[eiper] or Mr. Jefferson have already done, I would make myself heard very distinctly for a considerable distance."[40] But Jefferson was to find out to his cost that appetite grows with what it is fed, and gratitude diminishes in inverse proportion.

Politics also penetrated his mountain fastness in the guise of a grand jury indictment for criminal libel issued under the benign auspices of a Federalist judge against a Virginia Congressman, Samuel Jordan Cabell, who, in the language of the indictment, wrote letters to his constituents "endeavoring, at a time of real public danger, to disseminate unfounded

calumnies against the happy government of the United States, and thereby to separate the people therefrom."

Jefferson was quick to see the dangers inherent in the indictment—dangers which eventually led to the Sedition Act—and drafted a petition to the Virginia House of Delegates, signed by citizens of the four neighboring counties, which denounced on constitutional grounds both the indictment and its judicial sponsorship, and demanded that the House impeach the offenders.[41] The petition was not acted on.

On October 13, 1797, Jefferson saw Maria satisfactorily married to young John Wayles Eppes; on December 4th, he departed for Philadelphia, arriving there on the 12th to resume his meager duties as Vice-President of the United States.

The simmer of the last session had quieted down. Both Congress and the Administration were marking time waiting for news to come from the envoys in France; though Fauchet, the departing French Minister in America, was doing his best to muddy beyond retrieving the already sufficiently roiled waters of international amity by writing a pamphlet which boldly accused Adams of being the enemy of France.[42] Jefferson privately agreed with the accusation, writing Monroe that it merely reinforced what the latter had already said in his own published pamphlet.[43]

He was bitter over the compulsion that kept him in Philadelphia. "We are lounging our time away," he complained to his daughter, Martha, "doing nothing, & having nothing to do. It gives me great regret to be passing my time so uselessly when it could have been so importantly employed at home.... Nor are we relieved by the pleasures of society here. For partly from bankruptcies partly from party dissensions society is torn up by the roots. I envy those who stay at home, enjoying the society of their friendly neighbors, blessed with their firesides, and employed in doing something every day which looks usefully to futurity." [44]

The old urge was manifesting itself once more; but the period of dull activity and seemingly senseless waiting was shortly to be exploded by news from France.

CHAPTER 42

Cold War with France

NEWS from France, however, was slow in coming. January and February of 1798 passed, and the packet boats brought nothing. The three plenipotentiaries seemed to have been swallowed up in the maelstrom of Europe, leaving no trace of their whereabouts.

Jefferson feared, not so much war from the Directory, as a refusal to come to terms and a continuance of depredations "according to the English example." If only, he mused, France would invade and "republicanize" England; then "all will be safe with us, whatever mortifying things we may suffer in the meantime." [1] He was certain that all our troubles with France stemmed from the exigencies of her struggle to the death with England. Once France had conquered, she would cease her arrogance and disregard for American rights.

As the weeks passed, and still no news came, his hopes rose. "This long silence (if they have been silent) proves things are not going on roughly," he wrote Madison. "If they have not been silent, it proves their information, if made public, would check the disposition to arm." [2]

This comment of his raises several interesting points. For one, it throws a significant light on the relations between Jefferson, the Vice-President of the United States, and the administration of John Adams. Though ostensibly the second officer of the nation, he was *persona non grata*, neither consulted nor consulting, and knowing as little of administration affairs as the meanest citizen in the streets. For another, it discloses the steadfast belief of the Republicans that Adams was hot for war; and that news of a probable settlement would be withheld deliberately from the people.

Monroe considered the breach irremediable. Indignantly he exclaimed to Jefferson: "You did everything in your power to unite the people under his administration, & to give him in negotiation the aid of the republican character & interest to support the pretensions of our country & not without hazard to yourself. But this he spurned with a degree of wantonness of which there is no example. He would have none of his ranks but tried men, whose political creed corresponded with his own." [3]

Monroe's diatribe against Adams does not accord with the known facts. If Jefferson was the outsider, it was because he had voluntarily assumed that position. It is true that, in the first flush of election, he had offered cooperation to Adams; but Madison never forwarded the letter. When Adams consulted with him on relations with France, and offered to send either Jefferson or Madison to accompany Gerry, both gentlemen had declined.

Thereby Adams was thrown perforce into the arms of his inherited Cabinet, who cabaled with Hamilton against him behind his back.

But Jefferson, instead of seeking that *modus vivendi* which Monroe thought had been rudely refused, was philosophizing about the future of the American scene, a blessed utopia in which the States, revolving around the central government "like the planets revolving round their common sun, acted & acted upon according to their respective weights and distances, will produce that beautiful equilibrium on which our Constitution is founded, and which I believe it will exhibit to the world in a degree of perfection, unexampled but in the planetary system itself." [4]

This was a noble vision, but little in consonance with the current facts. At no time in our history, with the exception of the period during the convulsions of the Civil War, was there as sharp a cleavage and as furious a hatred among the component parts as in these years.

The Boston *Federal Gazette*, for example, contributed this editorial masterpiece to the cause of mutual amity: "The period has at length arrived, when hellish Jacobins and Demo's must sink to their native shade—and the motto of *Amor Patriae* shine only on the standard of *Federalism*. France, imperious France, refuses our friendship, and insults our ministers—The price of amity with them must be our national infamy!" [5]

In Baltimore, assembled Federalists drank toasts hardly dripping with fellowship: "A halter of strong hemp in the place of a French pension to Bache, Printer of the Aurora" and "Gallatin, Jefferson, Monroe, Livingston, Tazewell, Mason, Burr, etc. etc. . . . the universal contempt and detestation of their fellow citizens." [6]

Bache's *Aurora* retorted in kind. "People begin to see their madness," it exclaimed, "in preferring John *Adams* and a *French war* to *Thomas Jefferson with a French peace*." But it was Hamilton, rather than Adams, who was the special target of Republican insults. He was, proclaimed the *Aurora*, "the son of an IRISH CAMP GIRL," and "a *confessed adulterer* and an *avowed monarchist*." [7]

Jefferson had believed that the public lack of news from the envoys in France was good news: either negotiations were proceeding smoothly and the envoys had not wished to write pending final determination; or they *had* written, and Adams was withholding the communications because they would have forced his warlike preparations to a halt.

But his optimism suffered its first rude shock when, at the beginning of March, the long silence was broken; and letters came in announcing a new French decree which made neutral ships carrying enemy goods subject to confiscation. This faced up to the worst of the British Orders in Council and struck consternation into the hearts of American merchants. Even Jefferson was thunderstruck, realizing that American ships must be driven wholly out of the lucrative British and Continental trade in favor of British bottoms.[8]

If the merchants were in consternation, Congress—at least the Federalist members—was furious. President Adams sent what Jefferson called an "insane message" to Congress, setting forth the consequences of the French decree and declaring his withdrawal of the Executive prohibition against the arming of private vessels. The Federalists in Congress drove immediately for measures of their own, both for the arming of ships and for troops and munitions.

Jefferson hoped that the Republican majority in the House was sufficient to halt the drive toward war; though he feared Adams's message might have cut it to the danger point. He proposed to his party a delaying procedure: first, call for all the documents in the case; second, pass a Congressional prohibition of armed ships; third, adjourn and consult with the people on the current crisis.[9]

In the present temper of Congress, this was easier proposed than done; but the Republican members followed Jefferson's advice as far as was practicable. They could not muster sufficient strength for adjournment, but they did bring forward, in a committee on the state of the union, a resolution that "it is inexpedient to resort to war against the French republic." It was promptly and heavily assaulted by the Federalists, and Jefferson was gloomy about the outcome. "The question of war & peace," he commented, "depends now on a toss of cross & pile. If we could but gain this season, we should be saved. The affairs of Europe would of themselves relieve us." [10] Meaning, that France would have won the war by then.

The current two or three weeks, he acknowledged, "is the most eventful ever known since that of 1775. and will decide whether the principles established by that contest are to prevail, or give way to those they subvert." The tories, he believed, were trying to ride the whirlwind and direct the storm, and both Congress and the President were their willing tools. He pinned his faith, however, in an aroused populace, and saw with profound satisfaction remonstrances against war coming in from Massachusetts town meetings. Whig printing presses were being set up in Connecticut and elsewhere; and every technique of propaganda was being employed. He banked everything on delay; if only the Congressional debate could continue for some time, the weight of public remonstrance would make itself felt, and events in Europe somehow ease themselves.[11]

But against all Republican countermeasures rose the indomitable specter of Hamilton. Under the pseudonym of "Marcellus" he was writing a series of articles in the *Gazette of the United States* that, to Jefferson, promised "much mischief." As always, he appealed to Madison "to take up your pen against this champion. You know the ingenuity of his talents; & there is not a person but yourself who can foil him. For heaven's sake, then take up your pen, and do not desert the public cause altogether." [12]

But it was too late, even for the much wearied Madison. Word had come again from the envoys—incredible news. Talleyrand, the "fox" of Europe and Minister of Foreign Affairs under the Directory, had proposed insulting

terms to the Americans through three henchmen whom the envoys prudently designated in their dispatches as Messrs. X, Y and Z. These gentlemen hinted that a substantial bribe for Talleyrand's private pocket, and an even more substantial loan to France—repayment indefinite—might possibly lead to favorable terms and a gracious condescension. The surprised envoys turned the offer down with indignation. Thomas Pinckney cried out: "No! No! Not a sixpence! (which later was distorted to the ringing: "Millions for defence, but not a cent for tribute!"), and Marshall and Pinckney packed for home. Gerry stayed on, hoping against hope that he still might come to honorable terms.

President Adams published the reports early in April, and created a furore. The war spirit rose enormously; all mass meetings and remonstrances were now on the other side; and the Federalists in Congress and out rode high on the tide of public indignation. The navy was at once strengthened and all ships of war outfitted for active duty, merchantmen were armed and ordered to capture French armed ships wherever found, and an army of vast dimensions—at least on paper—was authorized. The cold war was fast approaching the realities of a shooting war.

Much against his wishes and his better judgment, Adams was being pushed into these warlike preparations; first, by the logic of events, and second, by the urgings of his Cabinet who, unknown to him, took orders from Hamilton.

But Jefferson gave Adams no credit for inner doubts. He believed him eager for war and doing his best to force the country into it. Like everyone else, the first reports had stunned him, though he thought them confused and possibly erroneous. He did not put it beyond the Federalists—and Adams—to manufacture the story out of whole cloth. But even if true, he still did not think it sufficient to justify a war; though he realized that many Republicans, fearful of having their patriotism impugned, "will go over to the war measures so furiously pushed by the other party." [13]

The Federalists indeed pushed their advantage hard. They introduced an Alien Bill, giving the government power to deport or arrest all aliens in the United States. And a Sedition Bill was in the offing, which would make any attacks on the government, its officers and policies, criminal libels under Federal jurisdiction, and subject to prosecution in the Federal Courts. Jefferson saw the Alien Bill aimed specifically at such men as Albert Gallatin, Swiss-born and leader of the Republicans in Congress, and Volney, the French *philosophe* residing in Philadelphia. The proposed Sedition Bill he saw as a bludgeon to destroy the Republican press, and particularly the *Aurora*, under Benjamin Franklin Bache's vigorous editorship.[14]

A great light burst on Jefferson and his friends. These measures, intended seemingly to destroy the Constitution and the Republican party, had been deliberately planned. Was it not possible then that the so-called "XYZ" affair had been just as deliberately planned? So at least thought Madison.

He called the story absurd, improbable and a libel on the French Government; while Monroe believed it "a swindling experiment." [15]

Whatever the Republican leaders thought, the whole country was in a turmoil. In Philadelphia, the young men of both factions appeared in foreign cockades—the Federalists in black English headgear and the Republicans in the French tricolor (though Jefferson afterwards claimed it was really the cockade of our own Revolution). The inevitable happened; there was a riot and fighting in the streets; the light horse troops were called out; and Adams was certain there had been a plot to burn the city. The timorous packed their belongings and poised for flight.[16]

In this time of stress and excitement, Jefferson sought desperately to avoid the seemingly inevitable war; though fearing that, because of Adams's bellicose address to Congress, the French themselves might commence hostilities. Should war come, however, as true patriots, "we shall defend ourselves as one man. When our house is on fire, it matters little whether fired from without or within, or both. The first object is to extinguish it." [17]

His own private affairs were also affected by the war fever. He had intended to hold his tobacco for an expected rise in values, but now he ordered it sold, "contrary to what I had determined on if the madness of our government was not hastening as it is to ruin our private fortunes as well as the public interests."

The French, too, were quitting Philadelphia by the shipload, he wrote to his son-in-law. Volney, whom Jefferson believed to be the chief object of the Alien Bill, was preparing to depart. "It suffices for a man to be a philosopher," he exclaimed bitterly, "and to believe that human affairs are susceptible of improvement, & to look forward, rather than back to the Gothic ages, for perfection, to mark him as an anarchist, disorganizer, atheist & enemy of the government."

Jefferson was thinking of himself as well as of the soon to be proscribed Volney. For all of these epithets had been applied to him in the past, and were to increase in volume in the future. If only his house at Monticello were roofed in, "and that we shall not be long without a shelter to write under. 'Oh! welcome hour whenever!' " [18] There is a strangely modern ring to all this—the epithets, the witch hunts, the repressive legislation.

One after another the repressive measures were passed and became the law of the land. The Alien Act, the Sedition Act, the Naturalization Act—which increased the term of residence required for citizenry to fourteen years—and the Logan Act.

All were attributable to the impending war, to the fear that foreign agents and their native adherents were engaged in plotting the overthrow of the government and were only awaiting an invasion by French troops to rise in arms to join them. Jefferson blamed their passage on weak-kneed Republicans in Congress, who prudently remained away from sessions while the voting went on. Some of those who remained in their seats, indeed, fa-

vored the Naturalization Act; fearing that should France invade England, our shores would be flooded with fleeing English aristocrats.[19]

The Logan Act had a curious history. Dr. George Logan of Stenton, Pennsylvania, was a man of many enthusiasms. Aside from his medical practice, he found time to organize an agricultural society and to throw himself enthusiastically into the cause of the French Revolution. Genêt had been a frequent visitor to his Philadelphia house; so had Jefferson when Secretary of State and many of the Republican leaders.

In this crisis of affairs, he conceived the remarkable plan of going to France and persuading, single-handed, its rulers "to alter the tone of their conduct towards the United States." (Here, again, modernism creeps in—and recent practices disclose their roots in early American tradition.) But it was not to the official channels that Logan turned for "passports" to the French; it was rather to Thomas Jefferson and to Thomas McKean, Chief Justice of the Supreme Court of Pennsylvania. They obligingly furnished him with credentials of good citizenship—though Jefferson later rued his participation, and denied that he knew the purposes of Logan's journey.[20]

He sailed secretly on June 12, 1798; but the secret soon leaked out, and there was a great to-do. Brown's *Philadelphia Gazette*, a Federalist sheet, declared that Logan was conveying dangerous information to the French and proposing to come back with a French army to destroy American "*lives, property, liberty and holy religion.*" [21]

Logan found the French almost as suspicious of his designs as the Federalists at home, and it was only Lafayette's intervention that gained him admission and an audience with Talleyrand and his associates. Amazingly enough, he convinced them of the necessity of raising the embargo imposed on American ships in French ports and of liberating American seamen imprisoned in French jails. He joyfully shipped the order to America and followed suit in the last vessel to clear Bordeaux.[22]

His reception in the United States was not the effusive welcome he had anticipated. Adams received him politely; but responded to his startling information that France was now ready to receive an accredited minister from the United States with the cold remark: "Yes, I suppose if I were to send Mr. Madison or Mr. Giles or Dr. Logan they would receive either of *them*." Timothy Pickering, to whom he next turned, was much more brutal. "Sir," said the Secretary of State with considerable asperity, "it is my duty to inform you that the government does not thank you for what you have done." [23]

The fury of the Federalists over this one-man mission knew no bounds, and became crystallized in the notorious Logan Act, approved on January 30, 1799. It declared that any citizen of the United States who "shall, without the permission or authority of the government of the United States, directly or indirectly, commence, or carry on, any verbal or written correspondence with any foreign government, or any officer or agent thereof, with an intent to influence the measures or conduct of any foreign

government, or of any officer or agent thereof, in relation to any disputes or controversies with the United States, or to defeat the measures of the government of the United States . . . shall be guilty of a high misdemeanor." That law still stands unrepealed on the statute books.

But it was the bill authorizing the capture of French armed vessels off our coast that represented to Jefferson the touchstone of "war without a declaration." So certain was he of its passage and a later open conflict that he urged his elder son-in-law, Randolph, to lay out a course of agriculture, the products of which could be stored without deterioration to the end of such a war.[24]

All his resentment burned against the New England states. The southern states, he avowed, "are completely under the saddle of Massachusetts and Connecticut, and . . . they ride us very hard, cruelly insulting our feelings, as well as exhausting our strength and subsistence." These were the leaders, but the other three eastern states followed obediently. This unfortunate situation was due, he added, though carefully attributing the statement to certain vaguely designated Republicans, to "the irresistible influence and popularity of General Washington played off by the cunning of Hamilton, which turned the government over to anti-republican hands"; and which has since continued under Adams.

In spite of this release of resentment, he repudiated a suggestion by John Taylor of Caroline, that perhaps it was time for Virginia and North Carolina to consider secession as a means of ending their troubles. No! Jefferson retorted. "In every free and deliberating society, there must, from the nature of man, be opposite parties, and violent dissensions and discords; and one of these, for the most part, must prevail over the other for a longer or shorter time. . . . But if on a temporary superiority of the one party, the other is to resort to a scission of the Union, no federal government can ever exist. If to rid ourselves of the present rule of Massachusetts and Connecticut, we break the Union, will the evil stop there?" Of course not. "Are we not men still to the south of that, and with all the passions of men? Would not a Pennsylvania and a Virginia party at once arise," and the public mind "be distracted with the same party spirit?" Even should the secession be of Virginia and North Carolina alone, the same thing would happen. It is better, he concluded, to have "a little patience, and we shall see the reign of witches pass over, their spells dissolved, and the people recovering their true sight."[25]

This was reasoned eloquence of the highest order; and particularly interesting as disclosing that at this time Jefferson had no thought of the concepts which were to appear only a few short months later in the Kentucky Resolutions.

On June 23, 1798, Jefferson paid a call on John Marshall at O'Eller's Hotel in Philadelphia, where the returned envoy was stopping. Unfortu-

nately, Marshall was out, and Jefferson left his card with a note: "Thomas Jefferson presents his compliments to General Marshall. He had the honor of calling at his lodgings twice this morning, but was so unlucky as to find that he was out on both occasions. He wished to have ^expressed in person his regret that a pre-engagement for to-day which could not be dispensed with, would prevent him the satisfaction of dining in company with General Marshall, and therefore begs leave to place here the expressions of that respect which in company with his fellow citizens he bears him." [26]

The object of the visit was doubtless to seek firsthand information as to the results of the mission; the interesting thing was the slip of the pen (which moderns would call Freudian) by which Jefferson first wrote "lucky" and then hastily inserted the qualifying "un." Years later, when the pair had become the deadliest of enemies, Marshall sardonically referred to the slip as one time, at least, when Jefferson came near telling the truth.[27]

This was a period of terrible anxiety for Jefferson, with rumors flying thick and fast—of invasion by France of England, of Marshall seeming less hot for war than Hamilton, of suppressions of truth by Adams, of Dr. Logan returning with a French army to seize Philadelphia—so that he was hard put to it to ponder one before a hundred others clamored for instant attention. He had intended leaving for Monticello early in June, but the exacerbated state of public nerves, the gusts of panic that blew through the streets, decided him to remain awhile. On June 27th, however, he felt it was safe for him to go; and he shook the turmoil and hysteria of Philadelphia from him with a vast feeling of relief.[28]

Jefferson left the scene while the Alien and Sedition bills were still before Congress. He quit his post as presiding officer of the Senate while it was still in session, and found himself on the road home when the Sedition Bill passed the Senate on July 4th—a most "unauspicious" date for a law of this character, as Henry Tazewell, Congressman from Virginia, was to remark. Washington was unanimously nominated as Commander-in-Chief of the new army being raised to meet the rumored French invasion; and there were hotheads among the Federalists who clamored for an immediate declaration of war on our part.[29]

Jefferson reached Monticello on July 9th. It is difficult to unravel the particular reasons that motivated his departure from the scene at a time when, in his own belief, the fate of the nation was trembling in the balance. On July 6th, while he was still jogging toward Monticello, the Alien Bill finally passed; and on July 14th, five days after he reached home, the hated Sedition Act was approved by the House.

Any reasons that might be adduced for this seeming desertion can only be conjectural; but it is probable that he was already revolving in his mind those countermeasures which were to culminate in the Virginia and Kentucky Resolutions. There was nothing more he could do in Philadelphia; he had no vote in the Senate unless there was a tie, and he was certain the bills

would pass by substantial Federalist majorities. The atmosphere was superheated, and blind panic both in government and in the street prevented reasoned consideration. In Virginia, however, he expected to find a wholly different climate of opinion, more in consonance with his own. There, too, were his friends and political allies; with whom a strategy might be worked out to bring the people and the Federal Government back to their senses.

In Philadelphia, too, whether rightly or wrongly, he considered himself under constant surveillance by Federalist "spies." He had slunk along back streets to shake them off when he visited Deborah Logan, the Doctor's wife; and when the Philadelphia papers accused him of being "closeted" with Bache and others, soon to be charged under the Sedition Act, he was the more convinced that "all my motions at Philadelphia, here, and everywhere, are watched and recorded."

Why shouldn't he visit with friends? he demanded wrathfully. He was ashamed neither of them nor of his principles. "On the contrary," he informed Samuel Smith of Maryland, "I wish them known, & therefore willingly express them to every one. They are the same I have acted on from the year 75. to this day, and are the same, I am sure, with those of the great body of the American people. I only wish the real principles of those who censure mine were also known. But, warring against those of the people, the delusion of the people is necessary to the dominant party. I see the extent to which that delusion has been already carried, and I see there is no length to which it may not be pushed by a party in possession of the revenues & the legal authorities of the US. for a short time indeed, but yet long enough to admit much particular mischief. There is no event therefore, however atrocious, which may not be expected. I have contemplated every event which the Maratists of the day can perpetrate, and am prepared to meet every one in such a way as shall not be derogatory either to the public liberty or my own personal honor." This sounds very much as though Jefferson was prepared for the possibility that he himself, though Vice-President of the United States, might be charged with sedition.

As for his own position, he was quite ready to declare it again: he was for peace with *both* France and England; though both had given, and continued daily to give, sufficient cause for war. Since, however, he was certain the two belligerents would be at peace by the end of winter, he believed it best to bear injuries a while longer and *then,* in the hour of peace, claim indemnification from both.

He ended this remarkable letter with a warning that it was not for newspaper publication. "At a very early period of my life," he remarked, "I determined never to put a sentence into any newspaper. I have religiously adhered to the resolution through my life, and have great reason to be contented with it." [30]

It is no wonder then that he felt more at ease and freer to express his opinions in Virginia, where he was happy to find that "the deep rooted disgust produced in this state by the Alien & Sedition acts is beyond any

thing ever seen since the days of the Stamp act." He had written this in the first draft of his letter to Smith, but later crossed it out and omitted it from the final copy.[31] Perhaps he felt that the language, ominous in its connotations, might, if the letter ever fell into hostile hands, be seized upon as evidence of meditated revolt.

Evidences of opposition were mounting. From Kentucky came word that the people of that state were "almost unanimous" against war with France, and considered the obnoxious Acts unconstitutional. "Crowded meetings" at every Court House were adopting resolutions "deprecating war, & denouncing the Alien & Sedition laws in the strongest terms." And George Nicholas, a Virginian who had gone to Kentucky, issued a pamphlet attacking their constitutionality and professed himself ready to face prosecution for it.[32]

At the same time, news poured in—exaggerated in the telling—of a reign of terror already instigated by the triumphant Federalists against honest Republicans under the new laws. Benjamin Franklin Bache, editor of the Philadelphia *Aurora*, the most noted of the Republican papers, had been indicted even before the passage of the Sedition Act under the old common law for alleged libelous publications concerning John Adams. Prosecutions under the law itself were commenced against the editors of the Richmond *Examiner*, the New York *Argus*, the Boston *Independent Chronicle*, the New York *Time Piece* and the New London *Bee*.

Nor were national and local Republican leaders immune from the attentions of the law. The most notorious case involved Matthew Lyon, the fiery Congressman from Vermont; but Dr. Thomas Cooper, a notable educator and Jefferson's friend, and Jedediah Peck of the New York Legislature, also fell into the toils. John D. Burk, a native of Ireland, and the radical editor of the New York *Time Piece*, who later wrote the first good history of Virginia with Jefferson's asistance, escaped prosecution only by agreeing to depart for his former country. Dr. Joseph Priestley, perhaps the greatest scientist of his day and the discoverer of oxygen, had been an English radical and a member of a revolutionary group with William Blake, William Godwin, Tom Paine, Dr. Price and others. Forced to leave England, he arrived in Philadelphia in time to be greeted with bitter attack and threatened deportation under the terms of the Alien Act. William Duane, another radical with a checkered career in America, India and Great Britain, was also almost deported, but instead was indicted for sedition. When Bache died, late in 1798, Duane took over the *Aurora* and made it the most powerful organ of the Jeffersonian party and a constant thorn in the side of the Federalists.[33]

To cap the climax, Jefferson received a frightened letter from James Callender, the hack writer whose *History of the United States* had forced into the open the Hamilton scandal. He was in hiding in Virginia, he said, fleeing probable arrest in Philadelphia. He was sick even of the Republicans. They had used him dishonestly and cheated him so often he wanted to get

out of the country and go back to his native Scotland. "I engaged in American controversies," he whined, "not from choice, but necessity; for I dislike to make enemies, and in this country the stile of writing is commonly so gross, that I do not think the majority of such a public worth addressing." [34]

Jefferson forwarded a draft of $50 for the account of the frightened hack, which bucked up his spirits so much that he decided to remain and even to commence a newspaper in the congenial climate of Richmond.[35] Jefferson would have been well advised to have speeded Callender on his way back to Scotland. Callender was eventually convicted in a famous sedition trial, sent to jail, and later pardoned by Jefferson as one of the first acts of his Presidency. The scribbler, however, untouched by any considerations of gratitude, literally blackmailed his benefactor and, when blackmail proved ineffective, spilled a nauseous mixture of semitruths and downright lies into the public press which caused Jefferson endless embarrassment.

With every post thus bringing its almost daily evidence of Federalist fury and, at the same time, more heartening evidence of rising popular opposition in Virginia and Kentucky, Jefferson set in careful motion one of the most crucial schemes of his long and varied career. The United States, the nation he had helped build, stood at the crossroads. What happened within the next few months might well decide whether it was to remain republican and free, or subvert into monarchy and despotism under the bludgeonings of the Federalists. A Constitution had been adopted, intended to preserve the liberties of the people and the States; would it cavalierly be set aside by the blatant misinterpretations of a power-mad federal administration? A stand had to be taken by the true apostles of liberty before it was too late. But how?

Only a few months before, John Taylor of Caroline had intimated that secession might be the answer, and Jefferson had repudiated the suggestion with a ringing affirmation. But now he was not quite so sure. The perils which Taylor had foreseen had come to pass. True republicans were being persecuted and clapped into jail by partisan judges and packed juries. Secession, however, was an ultimate weapon and not lightly to be employed. Before that, another affirmation must be made—and by those most competent to make it, the States—of the essential principles of the Constitution and of the division of powers that had been worked into its very fabric.

CHAPTER 43

Kentucky Resolutions

SOME time in September, 1798, ensconced in his eyrie at Monticello, Jefferson commenced work on a series of resolutions which he intended to have submitted to a sympathetic state legislature for consideration and passage. He worked in the strictest secrecy and enveloped the entire proceedings in such an extraordinary veil of mystery that the exact details have furnished a fruitful field for historical dispute down to the present day.[1]

For the secrecy and mystery there was good and sufficient reason. Jefferson was Vice-President of the United States; the resolutions were an appeal from the authority of the Federal Government to the authority of the States. They proclaimed boldly the right and duty of the States to declare measures of the national government unconstitutional and void; and hinted even at the last resort of secession from that government. At *any* time, such a pronouncement would have created an immense furore; in the current state of exacerbation and superheated tempers, it might well have been considered as treason; and particularly so when penned by the second in command in the nation.

Therefore Jefferson took no one into his confidence except for one man. Strangely enough, that man was not Madison, his bosom friend and stoutest political ally. At least not in the beginning.[2] Perhaps he feared that, with the connection between them so well known to the outer world, some hint of what impended might filter through, and the origin of the explosive resolutions be eventually traced. The man to whom he entrusted the perilous secret was Wilson Cary Nicholas of Virginia, an old friend and enthusiastic Republican, but not as intimately associated in the public mind with Jefferson as Madison would have been, or Monroe.

What made Nicholas particularly well equipped to act as Jefferson's intermediary and emissary was the fact that his private and business affairs took him out of Virginia into the neighboring states, and his journeyings and meetings with the political leaders of those states would not occasion undue comment or be connected with Jefferson.

The Resolutions, as Jefferson shaped them into final form, expounded a theory of the federal compact which made the several States the final arbiters of Constitutional construction and the sole guardians of their own absolute powers against the delegated powers of the national government. The Alien and Sedition Acts were the springboard for this assertion of powers; but the Resolutions went far beyond the particular occasion to enunciate

broad and sweeping affirmations on the true residence of sovereignty that were to have reverberations and almost fatal results in the long years to come. Nor can it be claimed that Jefferson did not fully understand all of the implications of his doctrine of nullification. It was in line with his deepest convictions, expressed many times before, and on numerous occasions thereafter. This was no mere indignant reaction to a particular situation; it was a carefully conceived statement of a philosophical position that went to the roots of the American federal system and was not finally overthrown until the land was drenched with blood and agony.

Jefferson drafted a series of nine resolves.[3] The first declared "that the several States composing the United States of America, are not united on the principle of unlimited submission to their general government"; but only through the compact of a Constitution which granted that government specific powers and reserved all the rest to themselves. From this general statement Jefferson drew as a logical conclusion: "That whensoever the general government assumes undelegated powers, its acts are unauthorative, void, and of no force." That it had not been made by the Constitution "the exclusive or final judge of the extent of the powers delegated to itself," but that "each party has an equal right to judge for itself, as well of infractions as of the mode and measure of address."

Having thus laid down the general theory of the relation of powers, Jefferson proceeded to the particulars of the Alien and Sedition Acts, the prime motivators of the Resolutions. The second resolve asserted that those two Congressional enactments did not come within the purviews of the specific grants to punish specific crimes, and were therefore "altogether void, and of no force."

The third resolve denounced the Sedition Act as an infringement of the First Amendment to the Constitution, since it purported to abridge the freedom of the press.

The next three resolves paid their respects to the Alien Act, setting forth the proposition that "alien friends are under the jurisdiction and protection of the laws of the State wherein they are: that no power over them has been delegated to the United States."

The seventh resolve was perhaps the most significant of all. It went beyond the current Acts to examine the whole course of events since the beginning of the national government; and attacked the Hamiltonian thesis which both the Executive and Congress had accepted, that the Constitution was to be broadly construed; and under which the Bank had been established and excise taxes levied. If any section of the Resolutions should have indicated their authorship, it would have been this one.

The construction by the general government of certain Constitutional clauses, declared Jefferson, "goes to the destruction of all limits prescribed to their power by the Constitution." Then, significantly: "the proceedings of the General Government under color of these articles, will be a fit and

necessary subject of revisal and correction, at a time of greater tranquility, while those specified in the preceding resolutions call for immediate redress."

The eighth resolve had ominous revolutionary overtones. It recalled to the public mind the procedures which initiated the original revolution against Great Britain. It demanded the appointment of a "committee of conference and correspondence" to communicate the entire body of Resolutions to the other states. It asserted that while the ratifying state sincerely believed in the Union as specified in the Constitution, it was determined to submit "to undelegated, and consequently unlimited powers in no man, or body of men on earth," and "a nullification of the act is the rightful remedy." Every State, it proceeded, had a natural right "to nullify of their own authority all assumptions of power by others within their limits"; that the States were the sole makers and judges of the compact, "Congress being not a party, but merely the creature of the compact, and subject as to its assumptions of power to the final judgement of those by whom, and for whose use itself and its powers were all created and modified." The doctrine of nullification could not have been more frankly or boldly stated.

But the resolve went even further, warning that such arrogated assumption of undelegated powers by the general government would, "unless arrested at the threshold, necessarily drive these States into revolution and blood." Wherefore, the ratifying state called on its sister states for a similar expression of sentiments on the acts complained of, a concurrence in declaring them void, and the adoption of measures seeing to it "that neither these acts, nor any others of the General Government not plainly and intentionally authorized by the Constitution, shall be exercised within their respective territories."

The ninth resolve authorized the committee of correspondence to consult with those that might thereafter be appointed by the other states.

Not even in his *Summary View* and other precursors of the Revolution had Jefferson spoken so plainly of resistance and, if need be, of eventual "revolution and blood." It is true that he hoped and expected that the passage of these Resolutions by a given state and their later passage in other states would give the Federalists in the national government pause, and compel them not only to a recession from the Alien and Sedition Acts, but to a reformation of the entire scheme of government. But he must have realized that the Federalists were not an unorganized body; that they too had the authority of a group of states—notably in New England—to back them up; and that they would not yield readily to the ukase of the Republican states. In that event, Jefferson was seemingly quite prepared to resist enforcement by force; a thesis which, logically developed, must mean the dissolution of the Union.

Wilson Cary Nicholas was at Warren, Virginia; and Jefferson sent him the Resolutions, intending that Nicholas take them up with a member of the North Carolina legislature for introduction in that state.

But a series of fortuitous circumstances decided Nicholas to exercise his own judgment. For one thing, he feared that Jefferson's ties with the person indicated in North Carolina were too well known, and might lead to the discovery of Jefferson's prime authorship. "Sir," he wrote Jefferson, "my chief inducement was to shield you from the invective, that I feared you might be exposed to if I had pursued a different course." That is, from the one he finally took.

The other, and deciding circumstance was the arrival of John Breckinridge of Kentucky at Nicholas's home in Warren. Breckinridge, Virginia-born, had been a member of the Virginia House of Delegates, had studied law and removed to Albemarle County to practice during Jefferson's absence in Europe. On the latter's return, the two men became friendly and found their political beliefs mutually satisfactory. In 1793, Breckinridge was elected to Congress, but never took his seat, having migrated in the interim to the newly erected State of Kentucky to further his fortunes. His rise there was rapid; he became a leader both at the bar and in politics, entering the legislature and becoming its Speaker within a few months of the period with which we are now concerned. Nicholas's brother George had also gone to Kentucky, where he joined Breckinridge in some land speculations. It was doubtless in connection with these speculations that Breckinridge now appeared in Warren to see Wilson Cary Nicholas.

Nicholas seized the opportunity as heaven-sent. He knew Breckinridge's influence in Kentucky and confided both in his political views and his discretion. Kentucky was almost unanimously in arms against the Alien and Sedition Acts and had expressed its attitude in unmistakable language. Kentucky was ripe for resolutions even as bold as these—his brother George had gone almost as far in a pamphlet of his own and was facing prosecution by the federal authorities—and, best of all, no suspicion of complicity would fall on Jefferson.

He therefore showed a copy of the Resolutions to Breckinridge. The latter readily agreed to submit them to the forthcoming session of the Kentucky legislature and expressed his confidence that they would be adopted. Under seal of secrecy, Nicholas disclosed the name of the author to Breckinridge, who was eager at first to journey to Monticello to pay his respects to Jefferson and, probably, discuss the Resolutions further. But sober second thought prevailed. It was agreed by Nicholas and Breckinridge both that such a meeting would be unwise, and might give later rise to suspicion as to its true meaning. Breckinridge therefore forewent the opportunity, and returned to Kentucky with the precious manuscript, assuring Nicholas that Kentucky would have taken action by the time of the opening of the Virginia Assembly.[4]

Jefferson agreed to the change in the original plan, and assured the apolo-

getic Nicholas that he had done the correct thing; particularly since there had been recent changes in the composition of the North Carolina legislature that made passage of the Resolutions there somewhat doubtful. He also asked Nicholas to see Madison. "You know of course I have no secrets from him. I wish him therefore to be consulted as to these resolutions." [5]

Nicholas did not see Madison, because he took ill shortly after Breckinridge departed. On October 10th, from his sick bed, he wrote Breckinridge to inform him of what had happened in the interval. "I have had a letter from our friend [Jefferson], he approves what I have done, he says you possess his confidence entirely, that he thinks the business had better commence in your state.... he suggest [*sic*] nothing further upon the subject, indeed I think every thing is said that can be, in the paper that you have. I shall be impatient to hear from you." [6]

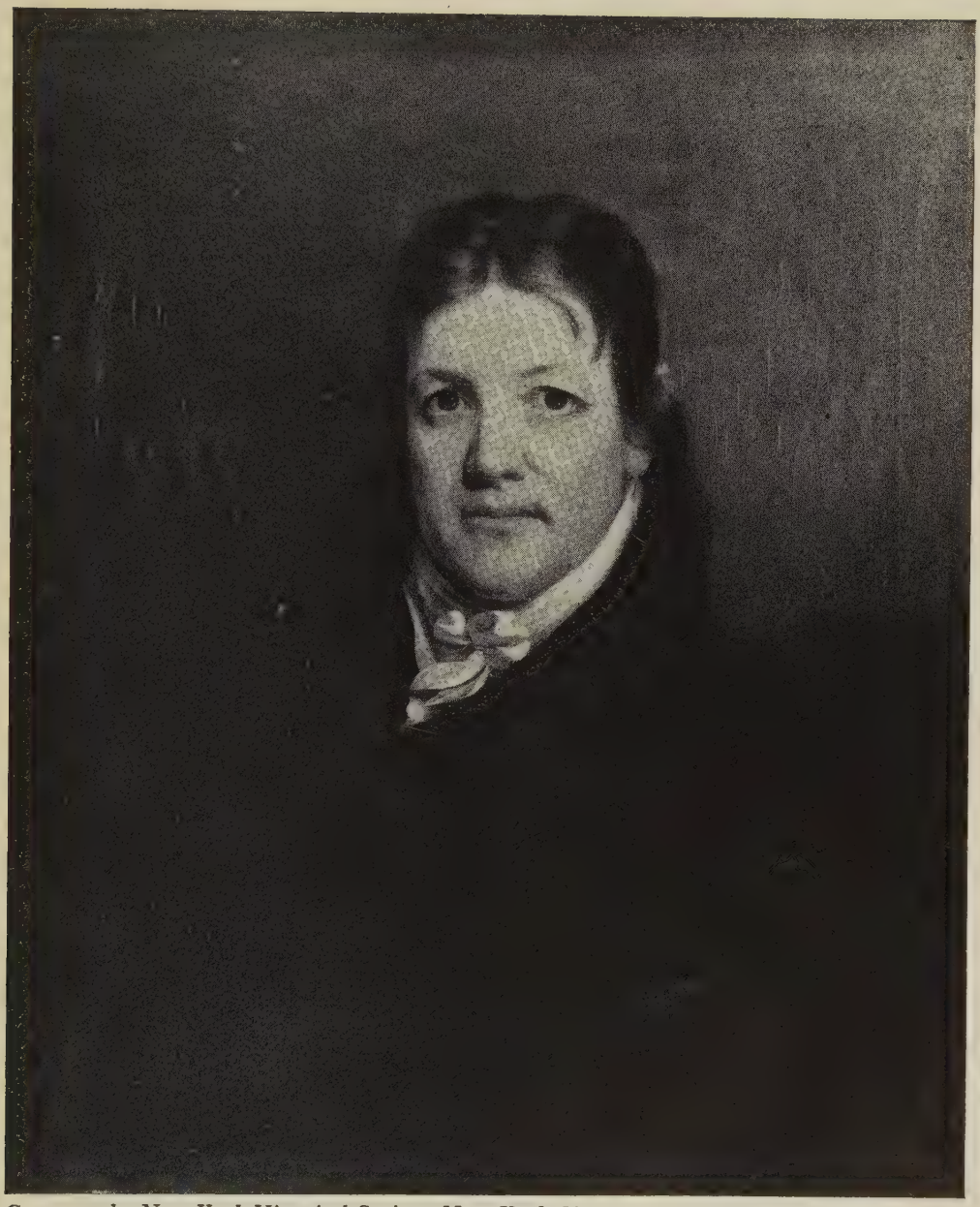
So, no doubt, was Jefferson. He was perforce compelled to possess his soul in patience, awaiting the hoped-for news. Three people now knew of the Resolutions, and the part he had played in them—Nicholas, Breckinridge and himself. But seemingly not Madison. And it was vital for more reasons than one that Madison be made aware of what impended; not merely because he was entitled to the knowledge, but because something similar ought to be introduced into the Virginia legislature as soon as it opened its session.

Just when the two friends finally met is difficult to ascertain. A letter from Jefferson to Madison, dated October 26th, indicates that it took place only a few days before at Monticello, to which Madison had come. Momentous projects were obviously discussed, and decisions arrived at.

One of these related to special tactics, and involved two documents to be laid before the Virginia legislature. The first sought to obviate the disastrous consequences of prosecutions by a partisan Federal judiciary under the Sedition Act in the state of Virginia. Immediately after Madison left, Jefferson drafted a petition to the General Assembly which, declaring that "the people themselves are the safest deposit of power," demanded that the choice of jurors, now under control of "officers dependant on the executive and judiciary bodies" and therefore "pliable to the will and designs of power," should thereafter be chosen by the people by school districts.[7] This novel procedure of electing jurors was designed to ensure the failure of future prosecutions under the obnoxious Acts. What Jefferson failed to realize was that thereby he made *all* court actions subject to popular pressures and passions in much greater degree than under the old system.

When he finished the draft, Jefferson was not entirely satisfied with it, and sent it to Madison for corrections.[8] These were later incorporated, but the petition never emerged to the light of day in the Assembly.

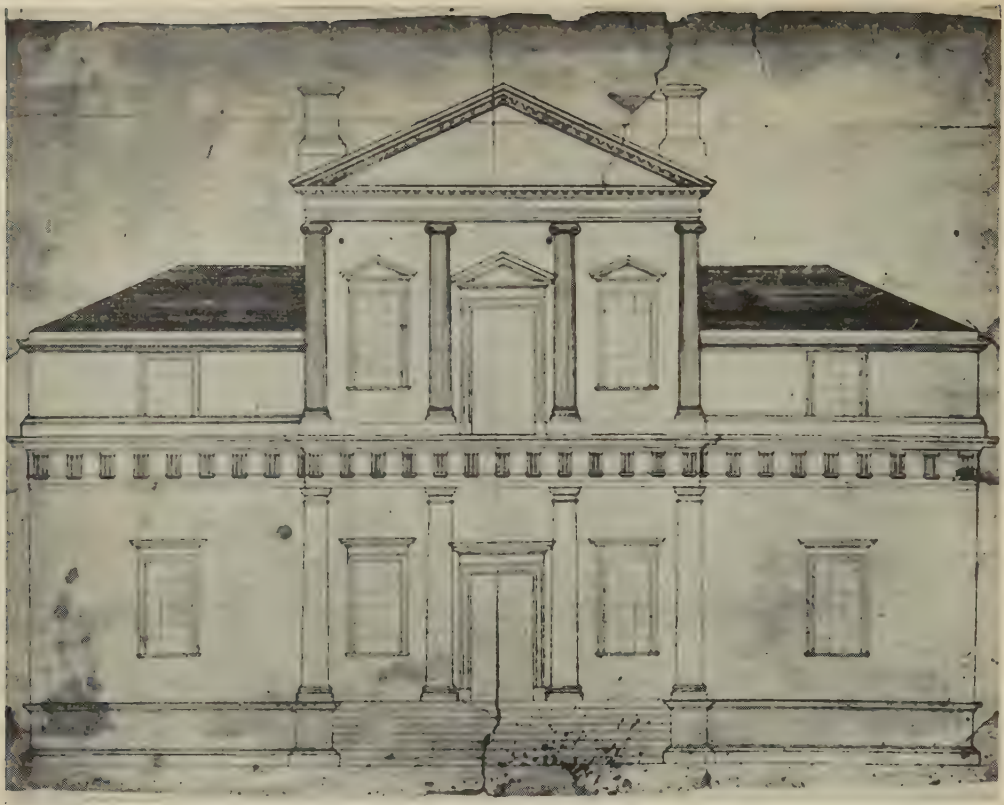
The second was a curious bill "for the relief of sufferers under certain illegal prosecutions." This was intended to give damages to those Virginians who had suffered prosecutions, fines and imprisonments under color of the Sedition Act; an Act which, asserted the text, was "unauthorized & null by



Courtesy the New-York Historical Society, New York City

JOHN RANDOLPH OF ROANOKE

Painting by John Wesley Jarvis



Courtesy the Massachusetts Historical Society

JEFFERSON'S ARCHITECTURAL SKETCH OF MONTICELLO, FRONT ELEVATION

Wide World Photo

MONTICELLO

the constitution," and "in violation of rights never placed under the controul of the General government." [9] This too was eventually swallowed up in the larger proposition.

That proposition, of course, was to put Virginia on record in the same fashion as Kentucky. Evidently, though, it had been agreed to let Kentucky be the bellwether rather than Virginia. This was a question of tactics; it was felt, perhaps, that it might be easier to push comparable resolutions through the Assembly once another state had acted.

During the waiting period, Jefferson cautiously felt out influential Virginians, dropping certain hints. "The alien & sedition laws are working hard," he wrote Stephens Thompson Mason. "I fancy that some of the State legislatures will take strong ground on this occasion. For my own part, I consider those laws as merely an experiment on the American mind, to see how far it will bear an avowed violation of the constitution. If this goes down we shall immediately see attempted another act of Congress, declaring that the President shall continue in office during life, reserving to another occasion the transfer of the succession to his heirs, and the establishment of the Senate for life." [10]

The Kentucky legislature assembled at Frankfort, the state capital, on November 7, 1798. Governor James Garrard struck the keynote in his opening address, inviting the lawmakers to enter "your protest against all unconstitutional laws and impolitic proceedings." [11]

Breckinridge was placed on a committee of three to make formal reply, and promptly served notice that he would move resolutions in the House in accordance with that particular part of the Governor's address. On November 8th, the House went into a committee of the whole, and Breckinridge introduced the first eight of Jefferson's nine resolutions.

But Breckinridge proved to be no mere messenger boy, doing Jefferson's bidding. He had taken it upon himself to make certain changes in the document handed him; and these changes were all in the direction of softening and toning down some of the bolder and more vigorous expressions.

The first seven were followed word for word; though an amendment from the floor made a slight change in the sixth. The eighth resolution, however, was radically changed. Since this was the one in which Jefferson had specified action, to which all the others were mere preamble, the changes were of the utmost importance.

Jefferson had called for a committee of correspondence to treat with other states in manner reminiscent of the Revolution; the revised resolution merely directed that copies of the Resolves be sent to the Kentucky representatives in Congress, with the request that they do their best to obtain a repeal of "the aforesaid unconstitutional and obnoxious acts." Much of the rest of Jefferson's lengthy verbiage was transferred to a ninth resolution, including the ringing declarations about not submitting to undelegated powers in any man or body of men on earth, and that acts based on such

power were void and of no force. *But*, instead of Jefferson's key clause "that every State has a natural right in cases not within the compact . . . to nullify of their own authority all assumptions of power by others within their limits," the resolution ended tamely with the proposition that the other states would be invited to unite with Kentucky in requesting the repeal of the Alien and Sedition Acts at the next session of Congress.[12]

Through these significant changes, all talk of forcible resistance was eliminated, and a theoretic, unimplemented statement of Constitutional voidness substituted for the active and danger-fraught "nullification."

The House passed the modified Resolutions on the 10th, after three days of debate. Only one voice was raised in opposition—William Murray of Franklin County. Breckinridge rose in reply, and made one remark that throws a flood of light on his intentions. "If, upon representations of the States from whom they derive their powers, they [Congress] should nevertheless attempt to enforce them [the Alien and Sedition Laws], I hesitate not to declare it as my opinion that it is then the right and duty of the several States to nullify those acts, and to protect their citizens from their operation."[13]

In other words, Breckinridge had eliminated Jefferson's demand for immediate nullification, not because he disbelieved in the power of the state or in its use, but because he wished first to offer Congress a chance to withdraw from its position.

The Kentucky Senate passed the Resolutions unanimously on the 13th; and the Governor signed them on the 16th. A thousand copies were printed, and sent to Congress and the Governors of the other states.

That Breckinridge knew exactly what he was doing, and that he preferred to exhaust all constitutional means before embarking on a course that might destroy the Union, is evidenced by a hitherto unpublished letter he wrote a friend to accompany a copy of the Resolutions. "I trust they will silence alll calumnies, with respect to our disposition towards disorganization or disunion. I think the ground we have taken cannot be shaken; that no just exception can be made to the firm but decent language in which we have expressed ourselves. I assure you with confidence, we have but one object, & that is, to preserve the constitution inviolate, & that by constitutional efforts.—No people in Am[erica] are more sensible of the necessity of the union; or more alive to unconstitutional strides of power by those in authority, than the people of Kent[ucky]."[14]

Jefferson also received copies. What his thoughts were when he saw that his key propositions had been emasculated, is not known. He evinced no outward disappointment; and it may be that second considerations convinced him that Breckinridge had been right.

In any event, such was the attitude he adopted when he sent a copy along to Madison. By now, Madison was engaged in formulating a similar set for

introduction into the Virginia legislature, and Jefferson told him: "I think we should distinctly affirm all the important principles they contain, so as to hold to that ground in future, and leave the matter in such a train as that we may not be committed absolutely to push the matter to extremities, & yet may be free to push as far as events will render prudent." [15]

It is probable that Madison had not seen Jefferson's original draft, but had been working independently on the basis of his conversation with Jefferson.[16]

Madison's Resolutions were much more compact than Jefferson's and, at the same time, more general and moderate. After the usual preamble setting forth the nature of the federal compact, they declared that the States have the right and duty to interpose "for maintaining within their respective limits the authorities, rights and liberties appertaining to them."

A discussion of the abuses complained of followed, ending naturally with the Alien and Sedition Acts. The remedy proposed in the seventh resolution was one merely of protest and eventual co-operation with other states. It called on the States to "concur with this Commonwealth in declaring, as it does hereby declare, that the acts aforesaid are unconstitutional; and that the necessary and proper measures will be taken by each for co-operating with this State, in maintaining unimpaired the authorities, rights, and liberties reserved to the States respectively, or to the people." Copies were to be sent by the Governor to the other states and to Virginia's representatives in Congress.[17]

Not a word about nullification, committees of correspondence, or resistance. Compared to Jefferson's proposals, or even to the Resolutions actually passed in Kentucky, these were moderate in language and cautious in final action.

Jefferson was not satisfied with Madison's draft. He addressed himself to Nicholas, asking him to pass on his observations to Madison. "The more I have reflected on the phrase in the paper you shewed me, the more strongly I think it should be altered. Suppose you were instead of the invitation to cooperate in the annulment of the acts, to make it an invitation 'to concur with this commonwealth in declaring, as it does hereby declare, that the said acts are, and were *ab initio*, null, void and of no force, or effect.' I should like it better." [18]

But Madison had no liking for Jefferson's revision, either. He did not believe that a state legislature had the power to declare a federal law void and of no effect. Scorning intermediaries, he wrote direct to Jefferson: "Have you ever considered thoroughly the distinction between the power of the *State*, & that of the *Legislature*, on questions relating to the federal pact. On the supposition that the former is clearly the ultimate Judge of infractions, it does not follow that the latter is the legitimate organ, especially as a convention was the organ by which the compact was made. This was a reason of great weight for using general expressions that would leave to other States a choice of the modes possible of concurring in the substance,

and would shield the Genl. Assembly agst. the charge of usurpation in the very act of protesting the usurpations of Congress." [19]

Just as Jefferson had hidden his authorship in the Kentucky Resolutions, so Madison hid his in those submitted in Virginia. John Taylor, the radical and forthright philosopher of both state and agrarian rights, was chosen to present them. To him, Jefferson addressed himself and said he would be content for the present to have the Resolves declare the Alien and Sedition laws "to be against the constitution & merely void, and for addressing the other States to obtain similar declarations." [20]

Taylor followed Jefferson rather than Madison, and inserted an approximation of the language Jefferson had originally suggested to Nicholas, including the two dread words, "null" and "void."

But the Resolutions ran into rough going in the Assembly. While Taylor, Nicholas and Giles argued strenuously in their behalf, an equally formidable group that included Mercer and General Lee were opposed. Madison's qualms proved triumphant, and the offending language was stricken out and Madison's weaker words restored. In that form, the Resolutions were finally passed on December 21st, after a full week of debate, by a vote of 100 to 63. The Senate concurred on December 24th, and the Resolutions were signed by the Governor.

If, to Jefferson's mind, both sets of resolutions were drastically emasculated, the Federalists all over the country were convinced that they represented anarchy, treason and bloody revolution; and so shouted in newspapers, mass meetings and in Congress. As for the Republicans, it was their job to pass similar resolutions in those states which they controlled.

But the Federalists got the jump. In February, 1799, Delaware formally asserted that the Kentucky Resolutions were "a very unjustifiable interference with the general government and constituted authorities of the United States, and of dangerous tendencies, and therefore not a fit subject for the further consideration of the General Assembly." [21] Every other Federalist-controlled state followed suit. From New York, Aaron Burr wrote gloomily to Jefferson that the Resolutions of Virginia and Kentucky had been laid before the legislature, but had not been acted on as yet. If they were, he expected them to be defeated. "Under circumstances so inauspicious, I have not thought it discreet to urge a determination in either house." [22]

But New York eventually acted, and *against* the Resolutions. So did Rhode Island, Massachusetts, Connecticut, New Hampshire and Vermont. Maryland, New Jersey and Pennsylvania, while avoiding direct replies, placed themselves on record against the principles of the Resolutions. Even the southern states held a painful silence.

Jefferson had completely misread the temper of the people. While they were on the whole opposed to the Alien and Sedition Acts, they were not prepared to adopt the extreme position that any state, or combination of

states, had the right or power to declare acts of Congress void and of no effect. They also rightly read into the language, toned down though it had been, the proposition that separation and disunion might be the end result; and they recoiled from any threat, no matter how veiled, that the Union might be dissolved.

CHAPTER 44

Specter of Nullification

IN December, 1798, Jefferson returned to his official duties in Philadelphia, arriving on Christmas Day. He had private worries, as well as public. His finances, as always, were in a desperate state. He had pinned his hopes for hard cash on his nail factory, but the results of a half year's unremitting work had yielded painfully little; so little, in fact, that he was unable to meet even small obligations.[1]

A cold caught on the road laid him up for two days in Philadelphia, so that he did not enter the Senate to preside until December 27th. He sought political gossip eagerly, and was assured by his Republican friends that the public was fast coming round to their standard.[2]

He was further gratified by a serenade, complete with band and lusty song, put on for his benefit on New Year's Day by the faithful Republicans. They sang:

> "Bless'd with genius, with talents, with virtue divine,
> Still Columbia thy boast is that *Jefferson's* thine." [3]

All this, of course, was heartening; but the national picture still presented a most ominous aspect. An undeclared war, real enough in all conscience, was in progress with France. Privateers and ships of war roamed the seas and fought on sight. Congress had authorized the raising of an army, Washington had been called out of retirement to head it, and Hamilton, ostensibly second in command, was chief in fact and dreaming dreams of glory. Adams's opening address to Congress breathed military fire to Jefferson, who thought it had been written for him "by the military conclave, & particularly Hamilton." He was also certain that Gerry's correspondence with Talleyrand, which Adams had refused to publish, would "shew France in a very conciliatory attitude, and . . . contradict some executive assertions." [4]

Jefferson's alarm grew stronger with every day. Unless some herculean effort was made—and soon—the Federalists would be able to jam an official declaration of war through Congress. As a last resort he begged Madison to publish the secret debates of the Constitutional Convention, of which he had taken such voluminous notes. Perhaps the knowledge of what actually took place might throw sufficient light on the true nature of that instrument as to be decisive with the public.[5] But Madison made no move to do so.

Elbridge Gerry, now returned to the United States, was shocked at the way his mission had been distorted. Jefferson replied that he too had been

"a constant butt for every shaft of calumny which malice & falsehood could form, & the presses, public speakers, or private letters disseminate." Particularly had his relations with Dr. Logan been made the subject of forgery and abuse. To make his position clear, therefore, Jefferson set forth the tenets of his political creed to Gerry, hoping thereby to win that moderate Federalist over to Republican principles.

He wanted "an inviolable preservation of our present federal constitution, according to the true sense in which it was adopted by the States."

He was for a government "rigorously frugal & simple, applying all the possible savings of the public revenue to the discharge of the national debt."

He relied for internal defense "on our militia solely, till actual invasion, and for such a naval force only as may protect our coasts and harbors from such depredations as we have experienced; and not for a standing army in time of peace, which may overawe the public sentiment."

He was "for free commerce with all nations; political connection with none; & little or no diplomatic establishment."

He was opposed to "linking ourselves by new treaties with the quarrels of Europe."

He was for "freedom of religion, & against all maneuvres to bring about a legal ascendancy of one sect over another." He was for complete freedom of the press, and believed in the progress of science, philosophy and the human race.

As for his attitude on the French Revolution, that had subtly changed. He still wished sincerely for its success and hoped "it may end in the establishment of a free & well-ordered republic; but I have not been insensible under the atrocious depredations they have committed on our commerce. The first object of my heart is my own country. In that is embarked my family, my fortune & my own existence. I have not one farthing of interest, nor one fibre of attachment out of it, nor a single motive of preference of any one nation to another, but in proportion as they are more or less friendly to us.

"These, my friend," he concluded this important affirmation, "are my principles; they are unquestionably the principles of the great body of our fellow-citizens." [6]

These might have been the principles of the general public, but Jefferson realized that unless they were galvanized into activity, the nation might be precipitated into a full-panoplied war from which there would be no retreating. He had already distributed on a large scale the anonymous pamphlets written by George Nicholas in Kentucky opposing the Alien and Sedition Acts. Now he asked Edmund Pendleton to write a short handbill exposing the true nature of "the X. Y. Z. dish cooked up by Marshall" and "the wicked use" of the French negotiation by the government. If Pendleton would do the job, Jefferson would print ten to twenty

thousand handbills and have them distributed throughout the country by the Republican members of Congress.[7]

As the weeks passed, Jefferson's agitation increased. He welcomed eagerly every petition which came in from citizens of the surrounding states denouncing the abhorred laws (the state legislatures had not yet acted to dash his hopes). In Pennsylvania, in fact, "we fear that the ill designing may produce insurrection." But he set his face sternly against riots. "Nothing could be so fatal," he asserted. "Anything like force would check the progress of the public opinion & rally them round the government. This is not the kind of opposition the American people will permit." [8]

He placed all his faith in education of the public. But this required money. "Systematic energies & sacrifices" were called for. "The engine is the press. Every man must lay his purse & his pen under contribution." [9]

But another matter rose to agitate him even more strongly; one that evidences his deep-seated aversion to any additional contacts with the Negro race. A bill had been introduced into Congress offering limited recognition of Toussaint L'Ouverture and Haitian independence from France. By the terms of the bill, the President was authorized to admit the Haitian blacks to free commerce with American ports. "We may expect therefore black crews," Jefferson wrote in great alarm, "& supercargoes & missionaries thence into the southern states; & when the leven begins to work, I would gladly compound with a great part of our northern country, if they would honestly stand neuter. If this combustion can be introduced among us under any veil whatever, we have to fear it." [10]

John Adams, second President of the United States, had not been master in his own house. An invisible puppetmaster pulled the strings, and all the figures with whom he was surrounded and on whom he relied for aid and comfort danced to a tune not of his making. The members of his Cabinet were not his men. They took his policies elsewhere for consideration, and brought them back mangled and distorted beyond all recognition. The Federalists in Congress followed him not; and even in the new army, of which constitutionally he was commander-in-chief, he had been compelled against his will to nominate an inspector general he hated.

The puppetmaster, the backstairs power, the inspector general were all one—and that one was Alexander Hamilton. It is incredible that Adams, normally suspicious enough, could have continued so long in a state of innocence as to the nature of his frustrations; but when his eyes were finally opened—as now they were—he acted with speed and courage.

To glorify a clique of Federalists, to raise Hamilton to the heights of military and political power, he had been steadily pushed toward a shooting war with France. With one bold stroke he burst out of the enveloping net. On February 18, 1799, without prior consultation with either Cabinet or Federalist leaders, he announced the nomination of William Vans Murray as a new plenipotentiary to France.

The news stunned the war party. For Murray, stationed at The Hague, had informed Adams he had received assurances through Talleyrand's emissary at the Dutch capital that, should the United States send a fresh envoy to France, he would be received with all the respect due the representative of a free, independent and powerful nation, and that all differences between the two nations could be satisfactorily settled.

If the dismayed Federalists thereby saw their greatest issue summarily taken from them, the nomination caused the widest rejoicing among the battered Republicans. Jefferson hailed it as great news, and even the violent *Aurora* wrote editorially: "Whatever sentiments men may entertain of the President's attachments to English modes of government or to English connections, every one must applaud his appointment of Mr. *Murray* to go to Paris." [11]

Hamilton and his cohorts promptly rallied from their first dismay, and sought through their power in the Senate to hamstring Adams by attaching two sound Federalists to the mission. Even Jefferson, after the first exultation, sought hidden motives in Adams's sudden move. The latter had known of Talleyrand's gesture right along, Jefferson wrote; yet only now, in the face of exposure, had he made it public. He had attached conditions which forced France to a public humiliation and, in fact, hoped secretly that the Senate would reject.[12]

This, of course, was untrue. Adams sincerely wanted no war, and he hewed to the line in spite of clamor from the right and the left. He was forced by the Senate to add to other envoys, but the mission was eventually, if reluctantly, confirmed. He also cleaned his own house by summarily dismissing Hamilton's men from his Cabinet, and thereby gained the latter's mortal hatred.

But the crisis was over, and the war fever rapidly subsided. Jefferson, viewing the scene, gave the credit not to Adams, but to the American people. "The spirit of 1776 is not dead," he philosophized. "It has only been slumbering. The body of the American people is substantially republican. But their virtuous feelings have been played on by some fact with more fiction; they have been the dupes of artful manoeuvres, & made for a moment to be willing instruments in forging chains for themselves. But time & truth have dissipated the delusion, & opened their eyes." [13]

It was unfortunate, he thought, that with the rising tide of republicanism, there were still two more years of Adams "to go through." He feared particularly the standing army that was being raised, and of which Washington was the titular, but Hamilton the real head. Could such an army be disbanded? he wondered. And would it not be employed by Hamilton and his group to subvert the liberties of America? His only hope was that it would consist only of officers; that the plain folk would never enlist.[14]

Jefferson was now in Monticello, tending to his own affairs and keeping at the same time a finger on the public pulse. Before he left Philadelphia

he had tried to set in motion another Republican newspaper, and had collected money from all his friends. The amount he collected was disappointing; yet he hoped by the coming summer to be able to get one started. Remembering, however, his unfortunate experience with Freneau, he tried to cover his tracks as skillfully as possible.[15]

The modern publicist might consider such efforts to reach the public in the nature of propaganda, but Jefferson sincerely believed that the Republican press furnished only the truth and thereby educated the people.

He had an abiding faith in the power of the human mind to know the truth when it was offered, and to dissociate it from error; and he foresaw indefinite advance for the human race. To a young student at William and Mary who had queried him on the subject, he wrote eloquently:

> I join with you . . . in branding as cowardly the idea that the human mind is incapable of further advances. This is precisely the doctrine which the present despots of the earth are inculcating, and their friends here re-echoing; and applying especially to religion and politics. . . . But thank heaven the American mind is already too much opened, to listen to these impostures, and while the art of printing is left to us, science can never be retrograde. . . . To preserve the freedom of the human mind then and freedom of the press, every spirit should be ready to devote itself to martyrdom; for as long as we may think as we will, and speak as we think the condition of man will proceed in improvement.[16]

Yet while thus envisaging the wonderful future, Jefferson did not overlook the mundane present. The closure by Congress of trade with France had played hob with tobacco prices; and his last year's crop, amounting to some 90,000 pounds, was still lying idle in his storehouses. He stood to lose $3,000 on it at the current prices. But hope sprang up when a printed list of prices current in New York fell into his hands. He wrote promptly for information. If he could be sure of getting $11 a hogshead there, as quoted, he would ship his tobacco. He waxed lyrical about its quality. It was the best in Virginia, truly extraordinary; and "if there ever was a better hogshead of tobacco bought or sold in New York I may give it to the purchaser." [17] Salesmanship could go no further.

Eventually he sent ten hogsheads as a trial balloon; but alas, his New York correspondent by that time could only get $6 a barrel. Jefferson at first angrily refused to sell; but the renewal of the nonintercourse act directed against France made him fearful that the price would tumble still further, and with the greatest reluctance he let his prized tobacco go at this disaster figure.[18]

He was also watching the local elections with great care. In the Congressional elections, at least five Federalists had been victorious; but Jefferson comforted himself with the Republican victories in the legislature. Patrick Henry had come out openly as a Federalist; but Jefferson no longer feared him, though still showing a certain respect for his undoubted

powers. "Our legislature," he asserted, "is filled with too great a mass of talents & principle to be swayed by him. He will experience mortification to which he has been hitherto a stranger. Still I fear something from his intriguing & cajoling talents, for which he is still more remarkable than for his eloquence. As to the effect of his name among the people, I have found it crumble like a dried leaf, the moment they become satisfied of his apostacy." [19]

By this time, however, the replies of the states to the Virginia and Kentucky Resolutions had finally come in, and the results were not good. The tremendous backfire which Jefferson had hoped to build against federal encroachments had sputtered and seemingly gone out.

Though tremendously disappointed, Jefferson and his friends rallied their forces for another try at it. Perhaps a reaffirmation by both states of the fundamental principles involved, coupled with the waning of the war hysteria during the intervening period, might bolster the timid and bring at least the Republican states into the fold.

It was Wilson Cary Nicholas who started the ball rolling. In a hitherto unpublished letter to Jefferson, dated August 20, 1799, Nicholas advised that "a most unfortunate and melancholy event, makes it necessary that I shou'd go in a few days to Kentucky. I believe you think it proper that the legislature of these two states, should defend the ground they have taken. If that is still your opinion, and you will put upon paper what you think the Kentucky assembly ought to say, I will place it in safe hands. They now require aid more than ever. I flatter myself that assurances of proper caution, in the use of any paper that I may receive from you are not necessary." [20]

With this communication in hand, Jefferson promptly wrote to Madison to concert a common plan of action. "It is so advantageous," he declared, "that Virginia & Kentucky should pursue the same tract [*sic*] on this occasion, & a difference of plan would give such advantage to the Consolidationers that I would immediately see you at your own house, but we have a stranger lying ill here, whose state has been very critical, & who would suffer in spirits at least if not substantially by my absence."

Who this stranger was is unknown; but we ought perhaps to be thankful to him; since thereby Jefferson placed himself on record on certain most important principles.

He was going to invite Nicholas to Monticello a week from Sunday, he continued. Would Madison "take a ride" a few days before, pick Nicholas up on the way and bring him along,

> . . . and let us consider a little together what is to be done. Not that I should prepare any thing, but the opportunity is certainly a valuable one of producing a concert of action. I will in the mean time give you my ideas to reflect on.

That the principles already advanced by Virginia and Kentucky are not to be yielded in silence, I presume we all agree. I should propose a declaration or Resolution by their legislatures on this plan. 1st. Answer the reasonings of such of the states as have ventured into the field of reason, & that of the Comm[itt]ee of Congress. Here they have given us all the advantage we could wish. Take some notice of those states who have either not answered at all, or answered without reasoning.

2. Make a firm *protestation* against the principle & the precedent; and a *reservation* of the rights resulting to us from these palpable violations of the constitutional compact by the Federal government, and the approbation or acquiescence of the several co-states; so that we may hereafter do, what we might now rightfully do, whenever repetitions of these and other violations shall make it evident that the Federal government, disregarding the limitations of the federal compact, mean to exercise powers over us to which we have never assented.

3. Express in affectionate & conciliatory language our warm attachment to union with our sister-states, and to the instrument & principles by which we are united; that we are willing to sacrifice to this every thing except those rights of self government the securing of which was the object of that compact; that not at all disposed to make every measure of error or wrong a cause of scission, we are willing to view with indulgence to wait with patience till those passions & delusions shall have passed over which the federal government have artfully & successfully excited to cover its own abuses & to conceal its designs; fully confident that the good sense of the American people and their attachment to those very rights which we are now indicating will before it shall be too late, rally with us round the true principles of our federal compact; but determined, were we to be disappointed in this, to sever ourselves from that union we so much value, rather than give up the rights of self government which we have reserved, & in which alone we see liberty, safety & happiness.[21]

In that last section, the dread word "secession" had finally appeared, openly and frankly stated. "Nullification" had yielded to its logical and inevitable successor. In later years, and after Jefferson's death, when another group of nullifiers (in South Carolina) used the revered departed's name in defense of their own contentions, Madison waxed virtuously indignant. "It is remarkable," he then exclaimed, "how closely the nullifiers who make the name of Mr Jefferson the pedestal for their colossal heresy, shut their eyes and lips, whenever his authority is ever so clearly and emphatically against them." [22]

At the time that Madison received this communication, however, with its startling conclusion, the "colossal heresy" was patent to his own eyes. Jefferson, he felt, had gone too far. Himself an ardent nationalist, he was prepared neither to acquiesce in any such doctrine of secession, nor permit Jefferson to place himself on record to that effect.

In great anxiety and alarm he made his way to the appointed destination of Monticello; but alone.[23] Nicholas, hurrying to Kentucky to attend the

funeral of a brother, was unable to come. Madison expostulated most strongly about that last fatal section and doubtless pointed out the consequences that might ensue. He won Jefferson around at least partially to his way of thinking, not only, as Jefferson was to put it to Nicholas, "in deference to his judgment, but because as we should never think of separation but for repeated and enormous violations, so these, when they occur, will be cause enough of themselves." In other words, Jefferson still clung to the right of the States to secede, should the proper occasion arise.

Repeating in briefer form to Nicholas what he had already proposed to Madison, Jefferson nevertheless declined his invitation to draft the necessary resolutions for Kentucky, "to avoid suspicions (which were pretty strong in some quarters on the last occasion), and because there remains still . . . a mass of talents in Kentucky sufficient for every purpose. The only object of the present communication is to procure a concert in the general plan of action." [24]

It is obvious then that, aside from general instructions, Jefferson had no draughtsman's hand in the second series of resolutions that came out of Kentucky. These were introduced on November 14, 1799, in the House at a time when John Breckinridge presided as Speaker, and were passed without a dissenting vote. Seemingly it had been intended, when the legislature opened its session, not to do anything, but it was then felt—and Jefferson's letter to Nicholas was undoubtedly the inducing cause—that silence might be misconstrued. In the Senate, however, the new Resolutions met with considerable opposition, particularly on the significant sentence which declared that "a nullification of those acts by the States to be the rightful remedy." After a bitter debate, the Senate finally concurred with the House, leaving the offending sentence intact. Breckinridge, sending the resolutions to Jefferson, commented that the opposition had come from whatever federal influence still existed in the state, "concentred in the Senate"; but that "the great mass of the people are uncontaminated and firm." [25]

The Kentucky Resolutions of 1799 were vigorous and plain-spoken. They retorted to the general condemnation of the first set by the other states with a ringing affirmation of their original stand. While Kentucky, they declared, "will be among the last to seek [the Union's] dissolution," nevertheless, the several States who had formed the Constitution, "being sovereign and independent, have the unquestionable right to judge of its infraction; and that a nullification by those sovereignties of all unauthorized acts done under color of that instrument, is the rightful remedy." [26]

It is to be noted that, whereas Breckinridge had omitted from the first set the ominous word "nullification" as specified by Jefferson, it now appeared in the second set; even though Jefferson, in his general instructions, had yielded to Madison's entreaty and removed it.

But Breckinridge, who had drafted the second set, was neither inconsistent nor illogical. He had openly avowed during the debate on the first

set that should Congress continue to enforce the Alien and Sedition Acts, it would then be the "right and duty of the several States to nullify those acts, and to protect their citizens from their operation." [27] Congress *had* continued prosecutions; and Breckinridge acted on his original warning.

It has recently been stated that Breckinridge could not have been the author of the second set, just *because* it used the word "nullification"; but among his papers in the Library of Congress is the original draft of the resolutions in his handwriting, which contains the following paragraph: "That in cases of abuse of the delegated powers, the members of the Genl. Govt. being chosen by the people, a change by the people would be the constitutional remedy; but where powers have been assumed which have not been delegated, a nullification of the act is the rightful remedy: that every State has a natural right in cases not within the compact to nullify of their own authority all assumptions of power by others within their limits." [28]

Jefferson had hoped to meet Madison and join with him in drafting the second set of resolutions for the Virginia Legislature; but Monroe, visiting at Monticello, advised against it as subjecting both men to public suspicion, and Jefferson reluctantly agreed.[29]

As a substitute, Jefferson put down on paper for Madison's consideration an extended outline of what he conceived the Republican strategy should be.

> Our objects, according to my ideas, should be these. 1. peace even with Great Britain. 2. a sincere cultivation of the Union. 3. the disbanding of the army on principles of economy and safety. 4. protestations against violations of the true principles of our constitution, merely to save them, and prevent precedent and acquiescence from being pleaded against them; but nothing to be said or done which shall look or lead to force, and give any pretext for keeping up the army. If we find the monarchical party really split into pure Monocrats & Anglo-monocrats, we should leave to them alone to manage all those points of difference which they may chuse to take between themselves, only arbitrating between them by our votes, but doing nothing which may hoop them together.[30]

Jefferson had once again become the statesman and party leader; dropping the intransigence and heat of his earlier resolves. No longer did he cry "nullification" or "secession"; and he was particularly careful to disavow force on his own side or even those actions which might cause force on the other. As for the distinction which he raised between "pure Monocrats & Anglo-monocrats"—the first were those who, in his estimation, wanted a straight monarchy here; while the second favored the principles embodied in the British constitution—he cried a plague on both their houses, hoping that they would destroy one another in internecine struggle.

Another portion of this letter is extremely significant in illuminating his future policy on the right to public office. "I suppose it is thought time," he wrote, "that the republicans should know that offices are to be given exclusively to their opponents by their friends no longer. It is advantage enough to the Feds to possess the exclusive patronage of the administration; and so long as they go on the exclusive principle, we should do the same." The occasion was his recommendation of William Wirt, a Republican, for the clerkship of the Virginia House of Delegates.

Jefferson was now definitely pointing to the next presidential election in 1800, and preparing strategy, slogans and a method of attack. He armed himself in still another way, by abjuring the writing of any political letters that would have to pass through the mails. "I cease from this time during the ensuing twelvemonth," he told John Taylor, "to write political letters, knowing that a campaign of slander is now to open upon me, & believing that the postmasters will lend their inquisitorial aid to fish out any new matter of slander they can to gratify the powers that be. I hope my friends will understand & approve the motives of my silence." [31]

The Virginia Resolutions, in which Jefferson had no hand except for general advice, were drafted and sponsored by Madison, now a member of the legislature, in the form of a Report. The Report, in line with Madison's fixed belief in the sanctity of the Union, denounced the accusation that the earlier Resolutions had upheld the right of a state to nullify Congressional enactments or advocated disunion. The Resolutions, he now expressly declared, had been promulgated to arouse public discussion and opinion "by exciting reflection." [32] Nevertheless, the Report met with strong opposition; but passed the House by 60 to 40, and the Senate by 15 to 6.

The Virginia Report was much weaker than the Kentucky Resolutions; and certainly far removed from Jefferson's original intentions. But Jefferson had finally come around to the position, in view of the expressed opposition of the other states and of the impending presidential election, that caution was indicated. It was enough to have Kentucky pronounce the fundamental principles; but Virginia, politically the bellwether, must be careful to do nothing to antagonize the moderates.

The campaign of 1800 was already under way when the Report was approved; and Jefferson, now back in Philadelphia, demanded from Monroe and received with seeming satisfaction a copy of it. He promptly had copies struck off and circulated them in Pennsylvania and the other states.[33]

He was pointing for the future. "It is too early to think of a declaratory act as yet," he believed in April, 1800, "but the time is approaching & not distant. Two elections more will give us a solid majority in the H. of R. and a sufficient one in the Senate. As soon as it can be depended on, we must have 'a Declaration of the principles of the constitution' in nature of a Declaration of rights, in all the points in which it has been violated.

The people in the middle states are almost rallied to Virginia already; & the eastern states are recommencing the vibration which had been checked by X. Y. Z. North Carolina is at present the most dangerous state.... The medicine for that State must be very mild & secretly administered. But nothing should be spared to give them true information." [34]

He had learned to make haste slowly.

CHAPTER 45

Second Revolution

JEFFERSON quit Monticello on December 21, 1799, and arrived in Philadelphia a week later to resume his duties as Vice-President. This was perhaps the first time in his career that he departed from his home with some willingness and without undue bemoaning of his fate. For this was the first time that he had good reason to feel optimistic about the cause of republicanism in America. The Federalists had overreached themselves. The Alien and Sedition Acts had roused the lovers of liberty and rallied them to the Republican standard. Though the response to the Kentucky and Virginia Resolutions had been discouraging, nevertheless a theoretic platform had been solidly built for future political construction. The war hysteria, thanks to Adams's unexpected move, was on the wane and dissension pervaded the Federalist ranks. All in all, the prospects were bright.

The Republican leaders were beginning to gather around Jefferson. The year 1800 was a presidential year, and all strategy was pointed toward the glittering prize. Without question—in spite of the machinations of disgruntled Federalists like Hamilton, Pickering and others—Adams was going to run again. And, without question, it was now generally conceded by the Republicans that Jefferson was to be their standard-bearer in the ensuing election.

But, to ensure victory on the national scene, the local elections in the states were all-important. In many of them, it was the legislature that selected the presidential electors; and even where general elections were held, the peculiar complexion of the local scene determined the choice. Aaron Burr, firmly ensconced as Republican leader in New York City and disputing with old Governor Clinton and his rising young nephew, De Witt Clinton, for the supremacy in the state, paid a flying visit to Jefferson in Philadelphia. The two men discussed the situation in New York. The Republicans there, Burr was convinced, were in the majority, but needed a skillful leader to rally them against the organized Federalists under Hamilton. He did not say so outright; but he believed that *he* was that leader. He also had a finger in the political pie of New Jersey and Pennsylvania; and outlined a general strategy for the forthcoming local elections in April.

Jefferson listened attentively; though with some qualms over the frankness of the discussion. As a candidate, he did not quite know how to act. Should he not remain aloof from the sordid details of political maneuver-

ing, leaving them to his more robust aides; and, while avowing his desire for private life, consent to stand only in order to "see this government brought back to its republican principles?" [1] But he was realist enough to know that, while such an attitude might do for public consumption, there was hard day-by-day work to be done; and the politicians of the states were essential if success was to be achieved.

Of the Republican leaders, Aaron Burr was perhaps the most important. Slight of frame, standing barely five feet, four on tiptoe, but erect and soldierly in carriage, Burr had rapidly come to the fore. Brilliant of intellect, subtle in thought and complex in character, he had gone through the Revolution with gallantry and distinction, and become one of the ablest lawyers of the day, disputing pre-eminence in New York with the great Hamilton himself. Entering on the tangled scene of New York politics, he had forged the Society of Tammany—an outgrowth from the original Sons of Liberty—into an irresistible political machine that idolized him and followed him to the death. He was the only man who could outmaneuver Hamilton for the suffrages of the New York voters, thereby gaining his mortal enmity. He refused to brook the dynasty of Clintons in his own party, and was able to obtain a balance-of-power position in the pivotal state. He had been a Senator of the United States; and his restless ambition sought still higher honors. Just now, he was aiming to the second place on the Republican ticket, under Jefferson.

It was essential, therefore, for eventual national victory, that Jefferson deal with him confidentially and at length. But Jefferson, confronted with this new phenomenon—a man of talents and of breeding who nevertheless descended into the hustings and welded a machine of artisans and mechanics—always felt uneasy in his presence and subconsciously suspected his motives. Yet a political compact had to be forged—between the yeomanry of whom Jefferson was representative, and this new group of city mechanics—if the Republicans were to win. Thereby the third apex of the fatal triangle was conjoined—Jefferson, Burr and Hamilton. A strange triangle, in which two men were now joined against the third—Jefferson and Burr against Hamilton; but, within a short space of time, a disjointure in which each man became the enemy of the other two, and whose mutual antipathies profoundly influenced the course of American history.

But if Jefferson was thus laying the foundations for the forthcoming battle of the giants, he did not set aside his more congenial pursuits. No matter how heated the political fray, he always had time for the things of the intellect.

The bloody ground of Europe was gradually yielding to America a group of political and intellectual refugees whom Jefferson hailed with delight. Joseph Priestley had quit his native England in 1794, and was established in Pennsylvania. He was at once a great scientist and a political and religious radical. His discovery of phlogiston (oxygen) and his experi-

ments with gases and electricity had won him world renown. But his bold pronouncements in politics and religion had forced him to seek more congenial soil. He had hailed the French Revolution and witnessed a mob burn his Birmingham home down for his pains. He had denied the divinity of Christ and written a *History of the Corruptions of Christianity* that brought another storm about his ears. At the age of sixty, therefore, he sought the sanctuary of the New World, and became an ardent republican here and a friend of Jefferson's. But the persecution that had dogged his steps in England followed him to America, and the Federalist pamphleteers screamed "atheist" and "Jacobin" at him with the same abandon they had hitherto reserved for Jefferson.

"You have sinned against church & king," Jefferson remarked dryly, "and can therefore never be forgiven."

It was to Priestley that Jefferson now turned for assistance in an old scheme of his that he had been compelled to put temporarily aside, but had never forgotten. This was to reform the educational system of Virginia.

During his famous revisal of the laws, he had proposed a comprehensive, graded plan; but none of it had gone through at the time. Eventually, however, though with considerable emasculation, the legislature had enacted that part of his bill which set up "English" or elementary schools; but made them optional on the counties instead of obligatory. Jefferson was hopefully expecting similar action on his "middle" or high schools.

But the apex of his plan, on which his energies had most been concentrated, was a public institution of higher learning, centrally located, and preferably in Albemarle. It was his idea to utilize the existing—and somewhat moribund—William and Mary College for that purpose, transplanting it to the desired location and modernizing it. But the dissenting sects, fearing the Episcopal tone of the institution, had objected, and nothing had come of it at the time. Now he wanted to try again. Could Priestley therefore recommend a course of instruction in the sciences, so that he could attract the best professors from Europe to teach the subjects?

Priestley as well as Jefferson believed in the "indefinite perfectibility of man"; and to him Jefferson could speak freely. "The Gothic idea," he avowed, "that we are to look backwards instead of forwards for the improvement of the human mind, and to recur to the annals of our ancestors for what is most perfect in government, in religion & in learning, is worthy of those bigots in religion & government, by whom it has been recommended, & whose purposes it would answer." [2] It was obvious what kind of instruction Jefferson intended in his proposed new seat of higher learning.

Priestley was only too happy to oblige, and enclosed for Jefferson's perusal certain "Hints Concerning Public Education" that he had already written on the basis of his experience abroad. But alas, he ruefully added,

"if I be rightly informed, my poor *Letters* have done more harm than good." [3]

To this Jefferson retorted sympathetically that "if they are not turned to useful account for posterity, it will be from the insensibility of others to the importance of good education. As soon as we can ripen the public disposition we shall bring forward our propositions." [4]

But Jefferson did not rely on Priestley alone for ideas. Another distinguished refugee had just come to these shores; this one from France—Pierre Samuel du Pont de Nemours. Jefferson greeted the newcomer with the profoundest satisfaction. He had met Dupont during his Ministry in France, and had then hailed him as a fellow spirit. He had received invaluable assistance from him during the course of his extended negotiations —Dupont had been an official under the old government—assistance which Dupont modestly called to his attention now that he intended to emigrate. "During your embassy," he wrote Jefferson, "you saw me struggle on behalf of your country, and for principles of liberality, of sincere friendship between the two nations, and against every financial and commercial prejudice which our government had at that time."

A member of the physiocratic school, which held that land was the true source of wealth, his liberal opinions had proved too conservative for the eventual course of the Revolution, and he barely escaped the guillotine. Now only partially restored to favor, he seized the opportunity afforded him by a commission from the Institut de France to report on the condition of scientific research in America, to "prolong the trip to the end of my life. I wish to die in a country," he declared with great fervor, "in which liberty does not exist only in the laws, always more or less well, more or less badly, carried out, but chiefly in the fixed habits of the nation." [5]

Dupont arrived with his family on January 1, 1800, and Jefferson welcomed him cordially. He had always considered him, so he told his son-in-law Thomas Mann Randolph, "the ablest man in France." [6] As soon as he heard Dupont had landed, Jefferson hastened to write him, at the same time warning him that America had its imperfections as well as Europe. "The present agonizing state of commerce, and the swarms of speculators in money and in land, would induce me to beseech you to trust no-body, in whatever form they may approach you till you are fully informed; but your son [who had preceded the father to the United States], I am sure, is able to guard you from those who in this as in every other country consider the stranger as lawful prey, & watch & surround him on his first arrival." [7]

Dupont eventually settled in Virginia, where his son instituted a gunpowder manufactory; and Jefferson sought his advice as well as Priestley's on the subject of the university. He particularly wanted advice as to the subject matter of the sciences; since, with the limited resources at hand,

it would be best to leave the so-called liberal studies to the private schools.[8]

The Frenchman was enthusiastic about the scheme; and agreed with Jefferson's views as expressed in the *Notes on Virginia* as to the nature and efficacy of education. But though Jefferson had been careful to postulate a short sketch from Dupont, what he eventually received was a heavy treatise, some two to three hundred pages in length, and headed by the formidable title of *National Education in the United States*.[9] For once, Jefferson was paid back in his own coin.

It was in truth a staggering work, and filled with excellent theoretical considerations; but, as might have been expected, of little value in connection with the peculiar needs of the American scene.

Nor were Jefferson's interests confined to the university. He welcomed an offer from William Dunbar of Natchez, Mississippi, to correspond with him on such matters as meteorological observations and the vocabularies of the Indian tribes in the Indian tongues, and heard for the first time of the sign language by which the various western tribes communicated with one another.[10]

The comparative study of languages fascinated him; and he was one of the first to realize their importance for tracing historical connections; though he tended to exaggerate their utility in blood relationships. He was ardently engaged in collecting as many Indian vocabularies as he could, in order to trace those connections, and he sought them far and wide. "I have long believed," he wrote Benjamin Hawkins, who was on the Creek frontier and might therefore be able to supply him with data, "we can never get any information of the antient history of the Indians, of their descent & filiation, but from a knowledge & comparative view of their languages. I have, therefore, never failed to avail myself of any opportunity which offered of getting their vocabularies." He already had a large collection, and hoped shortly to print them for the benefit of science.[11]

He was also interested in his job of presiding over the Senate. He had found, much to his surprise, that there was no handy manual to which he might turn for rules of procedure and standard parliamentary practice. Some time before, he had queried Wythe on the subject; and now again, after he had set down what he remembered from his own reading and found in his commonplace books, he called on Wythe, "the only spark of parliamentary science now remaining to us," to check his data for him.[12] He intended to spend the ensuing summer in writing a Parliamentary Manual, "which I shall deposit with the Senate of the US. and may thence possibly get into the public possession. . . . It may do good by presenting to the different legislative bodies a chaste Praxis to which they may by degrees conform their several inconsistent & embarrassing modes of proceeding." [13]

Wythe, after several disclaimers, finally corrected Jefferson's manuscript insofar as he was able; and so did Edmund Pendleton, to whom it

was also submitted.[14] The Manual, as finally published, is a remarkable production, and still has its value as a guide to the principles of conducting a legislative body.

Jefferson had always complained of his essential loneliness in Philadelphia, and of the hatred that pursued him in those places in which he had foregathered. Now, sensibly, he did something about it. "I have changed my circle here according to my wish," he told his daughter, Martha, "abandoning the rich and declining their dinners and parties, and associating entirely with the class of science, of whom there is a valuable society here." [15]

The wonder is, with these multifarious and distracting interests, that Jefferson was able to devote any attention to the increasingly strident politics of the period. For a while, with the sudden death of Washington in the closing days of 1799, there had been a lull. All parties joined to mourn the passing of a great man, who had done more than anyone else to pilot the struggling young country through its formative years. There were, it is true, some unholy mutterings from the more intransigent Republicans; but Jefferson, for all his coldness toward Washington in the later years, sincerely mourned him with the rest. Some of the more extravagant tributes, however, revolted him as seeming to border on impiety, particularly those which emanated from the Federalist press. Washington himself, he thought, would similarly have been revolted.[16] An era had come to an end; and a new one, of which Jefferson was to be the chief architect, had begun.

But at the moment, the outlook was darkening again, both at home and abroad. He watched with painful interest and an incredulous horror the looming apparition of Napoleon Bonaparte as it cast its lengthening shadow over France and all Europe. Must we repeat again the history of Robespierre and of Julius Caesar? he asked plaintively. Or is this a "new phaenomenon of an usurpation of the government for the purpose of making it free?" There was a lesson in this rise of dictatorship, however, for our citizens at home. "They should see in it a necessity to rally firmly & in close bands round their constitution; never to suffer an iota of it to be infringed; to inculcate on minorities the duties of acquiescence in the will of the majority, and on majorities a respect for the rights of the minority; to beware of a military force even of citizens; and to beware of too much confidence in any man. The confidence of the French people in Buonaparte, has enabled him to kick down their constitution, & instead of that to leave them dependent on his will & his life. I have never seen so awful a moment as the present." [17]

This was ripe wisdom, and is as appropriate to the present age as to the time of which Jefferson wrote. The French Revolution had gone into its final stage, in which, through a *coup d'état*, Napoleon had ruthlessly overthrown the generous ideals—attenuated as they had become—of the

earlier Revolution and substituted a naked dictatorship, days of *la gloire*, and eventual catastrophe.

What is particularly interesting about this remarkable *aperçu* of Jefferson, addressed in a hitherto unpublished letter to a comparatively obscure neighbor in Albemarle, is the frankness with which he expressed his forebodings as against the cautious optimism of his communication on the same event with his leading political companions. To John Breckinridge, for example, he expressed the wish that Bonaparte might be spared "as, according to his protestations, he is for liberty, equality & representative government, and he is more able to keep the nation together, & to ride out the storm than any other." [18]

His views were mixed on the portent, and he alternated between hope that it might turn out all right in the end, and fears—only too justified—that it might turn out dreadfully. Certainly, he wanted no Napoleon to grasp the reins in America.[19]

The object lesson against a standing army was uppermost in his mind. And that was exactly what America now had. "It would seem," he told Martha, "as if the army themselves were to hew down whoever shall propose to reduce them. The non-intercourse law is to be renewed, but whether only for the tobacco states, or for all, is a question. Were it not for the prospect of its expiring by the effects of a treaty [with France], our state would do better to drop the culture of tob[acc]o altogether." [20]

Politics at home were indeed beginning to boil. The Federalists, Jefferson noted with satisfaction, were getting seriously alarmed about the results of the forthcoming presidential election. For this alarm there was considerable justification. Aside from the repercussions of the Alien and Sedition Acts—much exaggerated in the aftertelling by historians—a feud had sprung up among the Federalists themselves that threatened their continued lease of power.

Hamilton had never been too kindly disposed toward Adams, the titular head of the party, and Adams had retorted in kind. But now the latent quarrel had burst into the open, and became an irrevocable split that sundered the foundations of the party. Adams's reluctance to grant top military command to Hamilton and his explosive ousting of Hamilton's henchmen from his Cabinet had touched off the fuse. Thenceforth, Hamilton was determined to keep Adams from a second term, and began negotiations to replace him with Charles Cotesworth Pinckney of South Carolina, a safe, conservative Federalist.

But before he could come into the open, Hamilton had to make certain of his control of the pivotal state of New York. Everyone recognized the fact that the pending national elections would be close; and whoever won New York, had an excellent chance of winning the nation. Since, according to its laws, the state legislature chose the presidential electors, it was

essential to gain control of that vital body in the local elections of April, 1800.

There was formidable Republican opposition in New York, however. Burr had worked skillfully and tirelessly to build up a solid party machine, particularly in the key city of New York. He breathed confidence to Jefferson of the results; and Jefferson echoed that confidence.[21]

Hamilton worked hard but, in his anxiety to have a pliable group of legislators, put up a mediocre slate. Burr, more politically astute, entered a list of nationally known figures headed by himself. With the eyes of the nation focused on the city of New York, the electorate went to the polls.

As the great day approached, Jefferson lost some of his earlier optimism. "I am of opinion," he told Monroe, "the republicans here have been much too sanguine as to the issue of this last"; referring to the contest in New York.[22] This in the face of Edward Livingston's assurance from that beleaguered town that Burr's activities were so enormous that nothing but success could be expected.[23]

Livingston's confidence was justified. The careful spadework of Burr paid off. When the votes were counted, the Republican ticket was found to have swept the city, and thereby gained control of both houses of the New York Legislature. The national election was in effect already decided.

Jefferson, though not yet quite understanding the full extent of the victory, exulted to his son-in-law: "The federalists do not conceal their despair on this event. They held a caucus on Saturday night and have determined on some hocus-pocus maneuvres by running Genl. Charles C. Pinckney with mr Adams to draw off South Carolina, and to make impression on N. Carolina." [24]

The triumph in New York ensured Burr's place on the national ticket; and it was now universally acknowledged that the Republican slate would consist of Jefferson for President, and Burr for Vice-President.

No such unanimity, however, existed in the Federalist ranks. Desperate with his unexpected defeat, Hamilton proposed extralegal means to keep that "atheist in religion, and a fanatic in politics [Jefferson], from getting possession of the helm of state." In an astonishing letter to John Jay, the Federalist Governor of New York, he demanded that the old method of choosing the New York electors be shifted from the legislature to direct popular vote, where he might have a second chance. "In times like these in which we live," he asserted, "it will not do to be over-scrupulous. It is easy to sacrifice the substantial interests of society by a strict adherence to ordinary rules." [25]

Fortunately, Jay was possessed of more rigid ethical standards than Hamilton. He wrote merely on the back of the letter: "Proposing a measure for party purposes, which I think it would not become me to adopt." [26] He did not even bother to answer Hamilton.

Thus thwarted, Hamilton hurried from extravagance to extravagance. To him, the national elections as they now stood were between Tweedledum and Tweedledee. Both Jefferson and Adams were anathema. Perhaps, if the truth were known, he now hated Adams more than Jefferson; particularly after Adams ousted Pickering and McHenry—Hamilton's obedient followers—from the Cabinet. It was a declaration of war *à l'outrance.*

"For my individual part my mind is made up," he wrote Theodore Sedgwick, Federalist leader in Massachusetts. "I will never more be responsible for him [Adams] by my direct support, even though the consequence should be the election of *Jefferson.* If we must have an *enemy* at the head of the government, let it be one whom we can oppose, and for whom we are not responsible, who will not involve our party in the disgrace of his foolish and bad measures. Under *Adams,* as under *Jefferson,* the government will sink. The party in the hands of whose chief it shall sink, will sink with it, and the advantage will be on the side of his adversaries." Therefore, he intended to arrange matters so that Charles Cotesworth Pinckney might be elected.[27]

In order to gain this laudable end, Hamilton wrote a pamphlet intended for confidential circulation among the party leaders, in which he explained his position. The pamphlet, entitled *The Public Conduct and Character of John Adams, Esq., President of the United States,* was a bitter and passionate attack on the personal as well as the political character of Adams, in which Hamilton threw caution and restraint to the winds. Invective and hate jostled one another on every page.

The leaders who received it were dismayed; but their dismay turned to a sense of catastrophe when the carefully guarded document suddenly turned up in the hands of the Republicans and was published, amid waves of laughter and jeers, to an incredulous world. Aaron Burr, through devious ways, had managed to lay hands on a copy fresh from the printer and hastened it to the general press.

The bombshell stirred up a literal tempest. Faithful Federalists, still loyal to Adams, rushed to reply; while the Republicans stood on the sidelines, joyously egging the contestants on. If anything more were needed to ensure a Republican triumph, this pamphlet was it.

The *Aurora* expressed the general opinion: "*Alexander Hamilton* and the New York *Feds* have split upon the *Adamantine* rock;—he says that John *Adams* must not be President, they say that John Adams must—so says the proverb where thieves fall out honest men may come by their own." [28]

Jefferson was at first content to let the Federalists rip their own ranks asunder by bitter factional fights, while the Republicans relied "solely on the slow but sure progress of good sense & attachment to republicanism, & build our fabric on a basis which can never give way."

He was leaving for Monticello on May 15th and deliberately chose the route along the eastern shore; first, because he had never been that way

before, and second, because he could travel practically incognito and avoid ceremonial displays and addresses to the Republican candidate. He shrank from all public shows, particularly when he himself was involved; and he resented "being the mannequin of a ceremony." [29]

He held deep convictions on the whole matter of pomp and display. "I never doubted the impropriety," he told Monroe, now Virginia's Governor, "of our adopting as a system that of pomp and fulsome attentions by our citizens to their functionaries. I am decidedly against it as degrading the citizen in his own eye, exalting his functionary, & creating a distance between them which does not tend to aid the morals of either. I think it a practice which we ought to destroy & must destroy, & therefore must not adopt as a general thing, even for a short time." [30] When Jefferson became President, he did not forget his own admonitions.

But if he thus thought to seclude himself from newspaper comment from his own side, he could do nothing about the attentions he was receiving from the Federalist press. Hamilton had set the tone with that epithet of "atheist." It was an epithet, with appropriate additional ones, that the Federalists were coming to employ more and more about their great antagonist. Jefferson's frank remarks in his *Notes on Virginia* were now coming home to roost. So was his well-known admiration for the French.

A Boston Federalist sheet was comparatively restrained. It cited five reasons why Jefferson should not be elected: 1—he is a deist; 2—he has uniformly opposed measures of government; 3—he is head of a party "whose object is opposition to the laws, subversion of order, and destruction of religious principles"; 4—his abilities as a legislator are suspect; 5—"his household is *French*—his language, his dress, his manners, his associates are *French*—and his library and Philosophy are French." [31]

But this was mild. The charge of atheism, and all that it connoted to the religious mind, was reiterated in a hundred different ways, and a thousand changes rung upon it. Sometimes it seems, indeed, as if the entire Federalist campaign was conducted on that single issue. What they were seeking to stir up was the fear and horror of every religious individual in the country, and they succeeded in obtaining the effective co-operation of the New England divines. Those ministers of the gospel, dedicated theoretically to the gentle teachings of Christ and the brotherhood of man, outdid one another in objurgations and embittered hate for the self-confessed deist. There have been elections since that perhaps equaled this one in unrestrained invective; but never as openly on the subject of a man's religion.

The divines thundered against him from the pulpits and in pamphlets, conjuring up for the delectation of their horrified auditors pictures of hell-fire and damnation, seduction and rape.

"I do not believe," shuddered one Connecticut minister in the privacy of his diary, "that the Most High will permit a howling atheist to sit at the head of this nation." [32]

Others were not so private. The Reverend John M. Mason issued "The Voice of Warning, to Christians, on the ensuing Election of a President of the United States." This election, he cried, is not merely a choice between individuals or policy "but, what is infinitely more, of national regard or disregard to the religion of Jesus Christ." Will the people choose "a confirmed infidel"? Read in his infamous *Notes on Virginia*, he exhorted, his disbelief in the Deluge, in the story of Adam and Eve, his "profane babbling" on the subject of God's chosen people, as well as "the ten thousand impieties and mischiefs" of that famous paragraph which declares that "it does me no injury for my neighbors to say there are twenty Gods or no God."

Christians! warned the outraged divine, as you value eternity, vote against this infidel! By voting *for* him, "you will do more to destroy a regard for the gospel of Jesus, than the whole fraternity of infidels with all their arts, their industry and their intrigues." [33]

The Reverend Dr. Linn was somewhat more restrained, though he too fished in the inexhaustible pond of the *Notes* for data. But he managed to add one delicious anecdote, which he admitted getting third-hand. Mazzei and Jefferson had been out riding. Mazzei expressed his surprise at the poor condition and general decay of the churches they passed. " 'It is good enough,' rejoined Mr. Jefferson, 'for him that was born in a manger.' " [34]

Perhaps the worst of all appeared in a Massachusetts newspaper for the edification of its horror-struck readers. "Should the infidel Jefferson be elected to the Presidency," thundered the *New-England Palladium*, "the *seal of death* is that moment set on our holy religion, our churches will be prostrated, and some infamous prostitute, under the title of the Goddess of Reason, will preside in the Sanctuaries now devoted to the worship of the Most High." [35]

Even some good Republicans were shaken by this barrage. One such anxiously wrote Jefferson "to answer me (if you think fit) only these two Questions—first do you believe there was a Deluge and do you believe that Mankind Originally Sprang from one pair." [36]

Jefferson refused to answer these and similar queries about his alleged atheism. He was used to calumny, he told Monroe, and it was impossible to contradict all the lies directed against him.[37]

But other Republicans sprang to his defense; and the battle of the pamphlets raged unabated. John Beckley of Virginia, in particular, rivaled the Federalists in sustained invective: "Read, ye fanatics, bigots, and religious hypocrites," he shouted, "of whatsoever clime or country ye be—and you, base calumniators, whose efforts to traduce are the involuntary tribute of envy to a character more pure and perfect than your own, read, learn, and practice the *Religion of Jefferson*, as displayed in the sublime truths and inspired language of *his* ever memorable 'Act for establishing religious freedom!' " [38]

In spite of Jefferson's seeming sangfroid under fire, the accusations, the

calumnies and the abuse got under his easily penetrable skin. "Differences of political opinions," he wrote Gen. Knox, who certainly differed politically from him, "excited in me no unfriendliness more than a difference of feature. It is not thus that I view or value man.... I never deserted a friend for difference of opinion in politics, in religion, in physics; for I place all these differences on a footing. But great numbers have deserted me." [39]

To one person only at this time did he state his real position—Benjamin Rush, medical doctor, member of the American Philosophical Society and, like him, a deist. In private conversation Jefferson denied the charges of antireligion to Rush. He said "he believed in the divine mission of the Saviour of the World, but he did not believe that he was the Son of God in the way in which many Christians believed it.... He believed likewise in the resurrection, and a future state of rewards and punishments." [40]

Rush urged him to set his thoughts down in writing, and Jefferson promised to do so; then reconsidered the matter, and decided against it. But the letter in which he announced his decision to Rush is famous on several counts.

The first related to the yellow fever epidemic which had some time before again swept Philadelphia, and which was now raging elsewhere. "Providence," he philosophized, "has in fact so established the order of things as that most evils are the means of producing some good. The yellow fever will discourage the growth of great cities in our nation; & I view great cities as pestilential to the morals, the health and the liberties of man. True, they nourish some of the elegant arts; but the useful ones can thrive elsewhere, and less perfection in the others with more health virtue & freedom would be my choice."

The second spoke of Christianity. "I have a view of the subject which ought to displease neither the rational Christian or Deist; & would reconcile many to a character they have too hastily rejected. I do not know however that it would reconcile the *genus irritabile vatum* [the Calvinist ministers], who are all in arms against me. Their hostility is on too interesting ground to be softened. The delusions into which the XYZ plot shewed it possible to push the people, the successful experiment made under the prevalence of that delusion, on the clause of the constitution which while it secured the freedom of the press, covered also the freedom of religion, had given to the clergy a very favorite hope of an establishment of a particular form of Christianity thro' the US. and as every sect believes its own form the true one, every one perhaps hoped for its own; but especially the Episcopalians & Congregationalists. The returning good sense of our country threatens abortion to their hopes, & they believe that any portion of power confided to me will be exerted in opposition to their schemes. And they believe truly, *for I have sworn upon the altar of god eternal hostility against every form of tyranny over the mind of man.*" [41]

As though the cry of atheism was not enough, the Mazzei letter again turned up to plague him; and the Federalists added this to their arsenal of weapons. So too did private worries. Thomas Mann Randolph, Martha's husband, though an excellent farmer, had run into debt and called on his father-in-law for help. Sorrowfully Jefferson was compelled to reply that he was in no position to do so. The profits of his Bedford estate were being used to pay off the old Wayles' debts and the new ones he had incurred to meet them; while "the unprofitable state of Albemarle has kept me in a constant struggle." [42]

In addition, he found in balancing his accounts with young William Short that he owed him far more than he had thought. While in Europe, Short had turned over the management of his private fortune to Jefferson. Jefferson had used part of it in 1794 to finance his nailery, and had then executed a chattel mortgage on eighty of his slaves as security. He now discovered that what he actually owed Short was $9,000 with accrued interest, and that the old mortgage was insufficient. He therefore added still another mortgage, covering 1,000 acres of Bedford land.[43] Jefferson was sinking deeper and deeper into the morass.

He took a census of his "family" during his stay at Monticello. There were 11 free whites, and 93 slaves; quite a comedown from former years. His last year's crop of tobacco totaled 43,433 pounds—not enough, at current prices, to keep his head above water.[44] He leased out most of his lands across the river, and was devoting all his time to his nailery and to building a mill, which he hoped also to rent out.[45]

Meanwhile the campaign was proceeding apace. With Burr's great victory in New York promising success in the coming election,[46] Jefferson deemed it time to set down on paper what a Republican Congress ought to do. It should, he said, be dedicated to the preservation of states' rights, freedom of religion and of the press, trial by jury, economy in government, opposition to standing armies, paper systems, war, and all connection, except by commerce, with other nations. He thought the United States too large to have all its affairs directed by a single government—shades of Montesquieu!—and therefore demanded that the general government concern itself with foreign affairs only, and leave all other matters to the states. He also vehemently opposed the idea that the federal government could employ the common law in its courts—that, he insisted, would make it "the most corrupt government on earth." [47]

What aroused his particular animosity against the common law was the fact that the Federalists were using the English rule on libel, as well as the statutory Sedition Act, to indict and prosecute Republican editors. William Duane, the new editor of the Philadelphia *Aurora*, bellwether of the Republican press, was one such. Callender was another who, after a farcical trial before Judge William Chase, had been incarcerated in Richmond Jail. Seated in his cell, Callender kept writing his notorious *Prospect Before*

Us, and sending sheets to Jefferson with not too subtle hints for money. He would, he said, like to set up a press to publish it, but the cost was about two to three hundred dollars.[48] Jefferson had already given him $100; now he sent him another $50.[49] The volume—a scurrilous attack on Adams, Washington and the administration of the government—appeared at the end of 1800, with the preface dated "Richmond Jail, Nov. 4th, 1800."

Jefferson treated Callender so tenderly because he considered the prosecutions as designed "to cripple & suppress the republican efforts during the campaign which is coming on. In the meantime their [the Federalists'] own batteries are opened, and teeming with every falsehood they can invent by defamation. Our campaign will be as hot as that of Europe. But happily we deal in ink only; they in blood."[50]

In the midst of these national concerns, Governor Monroe wrote in considerable alarm that a plot for a Negro insurrection had just been discovered in Richmond. Thirty Negroes had already been arrested; and more were being hunted.[51] A week later, he had more news. The conspiracy was "unquestionably the most serious and formidable ... we have ever known of the kind." Ten of the ringleaders had been condemned and swiftly executed; and some forty more awaited trial, "of whose guilt no doubt is entertained." While Monroe felt that the hand of the executioner should not be stayed, he would like nevertheless to have Jefferson's opinion.[52]

Jefferson replied cautiously that though those citizens who had escaped from murder and rapine might well feel that *all* involved should be executed, yet "the other states & the world at large will forever condemn us if we indulge a principle of revenge, or go one step beyond absolute necessity." While he agreed that the Negroes ought not to be permitted at large, yet might they not be confined in some fort, where rescue would be precluded?[53]

Jefferson's calmer counsels prevailed, and those unfortunates who had not already been hurried to execution were closely confined. But the problem of what to do with them remained. More than a year later, a resolution was introduced in the Virginia legislature to purchase lands in the western territory on which to settle the condemned conspirators; but Jefferson protested that some day those lands must be incorporated into the Union. Better send them, he advised, to the West Indies, among people of their own color; or, as a last resort, to Africa.[54] The resolution was dropped; but the Negro problem was to plague Virginia for some years to come.

Scattered local election returns were slowly coming in. Baltimore had gone Republican, and Jefferson hastened to congratulate Gen. Samuel Smith, the local Republican stalwart, on the result. "The spirit of 76. had never left the people of our country," he wrote. "But artificial panics of

raw head & bloody bones had put it to sleep for a while. We owe to our political opponents the exciting it again by their bold strokes. Whatever may be the event of the Executive election, the Legislative one will give us a majority in the H. of R. and all but that in the Senate. The former alone will keep the government from running wild, while a reformation in our state legislatures will be working and preparing a compleat one in the Senate. A President can then do little mischief." [55]

It may seem strange to modern observers that Jefferson could thus, in the heat of the conflict, keep quietly to his mountaintop at Monticello and conduct a "front-porch" campaign through the medium of letters. But no other type of campaign was then indicated. The states could best be left to local politicians, communications from one to the others were difficult, and a candidate must stay in his own bailiwick and possess his soul in patience.

Jefferson remained at Monticello from the end of May until the end of November. He would have gone on earlier to the new capital of the United States—the city of Washington, to which it had been removed in June—had he not decided on a bit of strategy. He explained it to Madison: "I think it possible that mr Adams may put some foolish things into his speech on the possibility of its being his valedictory one; and that this may give the Senate an opportunity again of shewing their own malice. I propose therefore to give time for the speech & answer to be over before I arrive there." [56]

On November 22, 1800, therefore, Jefferson rode to Washington to assume his final duties as Vice-President of the United States, and to await the slow-gathering returns that would decide whether he had become President, or was permanently retired to Monticello.

CHAPTER 46

Jefferson—or Burr?

JEFFERSON arrived in the city of Washington on the evening of November 27, 1800, and took lodgings in the boardinghouse of Conrad and McMunn on New Jersey Avenue, Southeast, and about two hundred paces from the Capitol building.[1]

Coming thus late, he was fortunate to find any lodgings at all, and he modestly took his place at the end of the crowded table during meals, even though it was farthest from the fireplace and therefore bitterly cold.[2]

The capital city could hardly be called a city. It was a place of magnificent distances interspersed with a few scattered buildings; a quagmire of mud when the sun shone and a sea of frozen ruts during the winter nights. The Capitol building rose still gaunt and skeletonized on the brow of the hill; surrounding it and making the sum total of the Federal city were seven or eight boardinghouses, a tailor shop, a shoemaker, a printer, a washerwoman, a grocer, a stationer, a dry-goods establishment and an oyster house. Swamps on all sides emitted the putrid odors of decay and from them rose at breeding seasons the clouds of mosquitoes responsible for the fevers that periodically swept the town.

The President's house, "a very elegant building," stood on the road to Georgetown; and strung along that road were a cluster of public offices and new residences in various stages of completion. Since these were at some distance from the Capitol where Congress met, most of the legislators crowded into the boardinghouses within the "federal city."

Conrad & McMunn's seemed the most popular. Albert Gallatin of Pennsylvania, Republican leader in the House, shared a room with another Congressman and found the charges high. For room, board, firewood, candles, and liquors, he paid $15 a week. The beef, he complained, was "not very good; mutton and poultry good"; and there were "hardly any vegetables."

Some thirty boarders crowded the establishment—practically all men, and members of Congress—and, were it not for two women in the group, they looked to Gallatin like a refectory of monks.[3] This was the place in which Jefferson, accustomed to the spaciousness and lavish foods and wines of Monticello, now found himself.

The campaign of calumny against him had risen to shrill heights during his long vacation in Virginia, and there were those among the Federalists in Washington who stared at the newcomer as though they expected to see literal horns and tail sprouting in the proper places from his tall, lank

form. Even Margaret Bayard Smith, married to Samuel Harrison Smith, the Republican editor of the newly established *National Intelligencer*, was prepared to meet a bold profligate, coarse and vulgar in his manners. For, though she had married a good Republican, her father, Col. John Bayard, was a fiery Federalist. But, to her great surprise, this infidel and limb of Satan turned out to be "so meek and mild, yet dignified in his manners, with a voice so soft and low, with a countenance so benignant and intelligent," that her heart went out to him, and ever after she enrolled herself in the list of his ardent worshipers.[4]

The first two weeks of December were weeks of anxious waiting as the results, and rumors of results, from the various states came gradually by letter and by messenger to the crowded capital. John Adams, ensconced in the President's House, was firmly convinced of his re-election, and believed that the machinations of Hamilton would prove of no avail. He thought too that Jefferson might well nose out Pinckney for the Vice-Presidency; and "such was the gullibility of this old gent," wrote John Randolph of Roanoke sarcastically in his private diary, "& such the *address* of his competitor that he could not be made to believe, until it was too late, that Mr. J. was his rival. He said he had such assurances from his friend J. that he could not doubt them & quarreled with his Federal adherents for wishing to put him (J) out of the V. presidency—believing that their support of Pinkney [*sic*] for that office was only a covert design of elevating him to the first place in the government." [5]

In truth, the election was touch and go during that crucial fortnight. The results from New York were definitely known; that state had gone Republican. So had Virginia, of course. The New England states, just as firmly, had chosen Federalist electors. But the picture was clouded and full of forebodings in states like Pennsylvania, South Carolina and Rhode Island; and more and more it became clear that the final result was to depend on these doubtful states.

The situation became worse confounded because of the number of cross-currents and secret knifings in both parties. Among the Federalists it was practically in the open; among the Republicans there was a certain degree of stealth.

So bitter by this time had become the feud between Hamilton and Adams that Hamilton would have been willing, if he could not elect Pinckney to the Presidency, to see even the "atheist" and "fanatic" Jefferson in the chair rather than the hated Adams. But a new fear rose to befog his mind and render him frantic. That was the steadily lengthening specter of Aaron Burr. If Hamilton hated Adams, he was literally beside himself when Burr's name was mentioned. For Burr had broken his hold on New York State; Burr had fought him in the law courts and in politics and had beaten him with too great regularity; if Burr was up, then he, Hamilton, must inevitably go down.

When the possibility first dawned on the Federalists that neither Adams nor Pinckney might be elected; and that the choice might be between Jefferson and Burr, there was much correspondence among them as to their course in such an eventuality. Hamilton tried to put a stop to any talk of Burr. "Burr," he exclaimed, "will certainly attempt to reform the government *à la Buonaparte*. He is as unprincipled and dangerous a man as any country can boast—as true a Cataline as ever met in midnight conclave." [6]

But not all the Federalists took Hamilton's diatribes seriously. They understood the personal animus that drove him, and that eventually brought him to his death on the dueling field. George Cabot of Massachusetts, high in the Federalist councils, considered the matter coolly. "The question has been asked," he wrote Hamilton, "whether if the federalists cannot carry their first points, they would not do as well to turn the election from Jefferson to Burr? They conceive Burr to be less likely to look to France for support than Jefferson, provided he would be supported at home. They consider Burr as actuated by ordinary ambition, Jefferson by that and the pride of the Jacobinic philosophy. The former may be satisfied by power and property, the latter must see the roots of our society pulled up and a new course of cultivation substituted." [7]

In the meantime, the Federalists in New England, well aware that Hamilton was banking on certain votes going to Pinckney in South Carolina that would not be similarly cast for Adams, determined not to listen to his siren pleas to have equal votes for both candidates cast in their own bailiwicks, and provided for a few to be dropped from Pinckney.

In the Republican camp there were similar fears. Burr claimed he had been double-crossed by Virginia in the election of 1796; and was apprehensive that Virginia might throw away votes from him to insure Jefferson's election.[8] On the other hand, there were rumors that Burr was seeking to do the same on his own account in New York and Rhode Island. No wonder then that never in the history of the United States has there been any election as complicated from every point of view as the presidential election of 1800.

Even in Rhode Island there was trouble. Its governor was a Republican, and some arrangement had been made to give Jefferson a full complement of votes and drop one or two from Burr in order to make certain that Jefferson would be President, and Burr take the second post.[9] But something went wrong, and it seemed that Rhode Island might go Federalist altogether.

Alexander J. Dallas of Pennsylvania counted up the votes as they then stood on the national scene, and found to his alarm that *without* Pennsylvania, the electoral ballots seemed to indicate that Pinckney would top Jefferson by a single vote, with Adams trailing by seven votes. He proposed to Governor McKean, therefore, that Pennsylvania should attempt so to

arrange its choice that Jefferson and Burr would tie, and throw the election into Congress. Otherwise, he feared that the Federalists would get in.[10]

The difficulty in Pennsylvania was that the Senate was Federalist and the House Republican. In previous elections, presidential electors had been chosen by the general voters; but now the legislature changed the rules, and placed the appointment in its own hands. The House demanded a joint ballot, in which their Republican numbers would outvote the smaller Federalist Senate; but the Senate refused to fall into the trap. A compromise was finally arranged whereby eight Republicans and seven Federalists were chosen as electors. When Jefferson heard of the arrangement, he considered that it clinched the national election; that "the vessel of the Union will be put on her republican tack, and shew us how she works on that." [11]

He based his optimism on the news from South Carolina, Pinckney's home state. There the Hamiltonians had attempted to persuade Pinckney to ditch Adams and permit the state's electoral ballots to be cast for Pinckney and Jefferson. But Pinckney honorably refused to have any part in the plot, declaring that the votes must be all for Adams and himself, or he would retire from the contest.[12] As a result of Pinckney's stand, the contemplated deal with the Jeffersonian forces became impossible; and, in revenge, South Carolina went unanimously for Jefferson and Burr. It is therefore patent that Burr had sound reasons for his mistrust. Had the deal gone through in its original form, he would have trailed all the other candidates.

By December 20th, however, the results were pretty well known. The electoral votes read: Jefferson—73, Burr—73, Adams—65, Pinckney—64, John Jay—1.

The Republicans had swept the Federalists out of office and broken their power irrevocably. From its inception the government had been in the latter's hands. They had established a Union and pushed through measures of tremendous importance which set the United States on a course from which there might be deviations, but no fundamental about-face. Yet, in the end, their arrogance defeated them. They had ridden roughshod over the rights of the States, and had contemptuously overlooked the mass of the people. They had attempted to set aside the safeguards with which freedom was hedged, and had favored the old enemy, England, too much. In their pride, they thought that the rich, the wellborn and the professional intellectuals were the only safe repositories of power. Therefore they had fallen.

But the general thesis that the people had swept them out of office, that a vast popular outpouring of indignant small farmers and city artisans had created a revolution, does not hold water. Because of property qualifications, the percentage of legal voters to the total population was lamentably low. Nor, even among the qualified few, had there been any great upheaval. Jefferson had failed of the preceding election by inches; nor even now, had

there been no mortal feuds among the Federalists themselves, would the Republicans have been elected. Hamilton's secret and overt machinations; the votes dropped from Pinckney in New England, and the votes dropped from Adams in the South; the general disgust with the name-calling among themselves—to all these factors may be attributed the Federalist downfall.

A strange situation, however, now arose. The Republicans had won; but their two candidates had come to the finish line in a dead heat. For this the Constitution of the United States was responsible. It had never contemplated the growth of parties, each with its slate of candidates for the Presidency and the Vice-Presidency. It had been intended that each elector would cast the two votes granted him for individuals, on their individual merits; that the one with the greatest number of total votes would become President, and the runner-up would take the Vice-Presidential chair.

There had been no difficulty in the three preceding elections; but now, for the first time, the fatal flaw showed itself. Jefferson and Burr were tied. Which was to be President, and which Vice-President? The Constitution, it is true, made provision for such an unlikely contingency. Such an indecisive election must go into the House of Representatives for choice between the pair.

Some inklings of this anomalous situation had already troubled certain Republicans. Jefferson thought the necessary arrangements had been made to ensure that he would have more votes than Burr. He told Thomas Mann Randolph that "it was intended that one vote should be thrown away [in South Carolina] from Colo. Burr. It is believed Georgia will withhold from him one or two. The votes will stand probably T. J. 73, Burr about 70, Mr. Adams 65." [13]

But word came shortly from South Carolina that, in the confusion of the negotiations with Pinckney, something had gone wrong. The vote which was supposed to be dropped from Burr and go instead to George Clinton of New York, had not been switched.[14] Burr had not been notified of this plan, and *he* had arranged with Governor Fenner of Rhode Island to drop a vote there from him. This, too, had failed of consummation.

Here was a situation which Jefferson realized could lead to considerable trouble.[15] The election was now thrown into the House of Representatives. Had it been the newly elected Congress, there would have been no difficulty, for that body had gone strongly Republican. But his fate was in the hands of the old, lame-duck House, and *that* was still Federalist. Furthermore, the voting would be by States, and not by individuals, so that party decisions would bind the casting ballot against individual revolt.

The Federalists, indeed, were beginning to awaken from the first despair of their defeat, and were studying the picture with a dawning hope. With the House under their control, might it not be possible still to wrest victory out of defeat? They could, of course, choose either Jefferson or Burr; and

make a bargain in return for the coveted plum. The sole problem here was the pliability and amenability of the two men. Hamilton plumped for Jefferson; but a goodly number of Federalists would have preferred Burr. In their calculations, no one brought up the point that it had really been the intention of the electors, and of the people and legislatures that had voted for them, to place Jefferson in the first position, and Burr in the second.

But there was an extreme group of Federalists who wanted to push beyond this point. Why not, they argued, seize the heaven-sent opportunity, and retain control of the government in spite of the mandate of the people and the ethics of the occasion? Suppose, they insinuated, a decisive choice between the pair be avoided altogether, and a good Federalist be named President of the Senate *pro tem*, to assume the reins until another election could be held. Such a course, according to them, said Jefferson bitterly, "would only be a *stretch* of the constitution." [16]

Cooler and wiser heads prevailed, however. Threats from alarmed Republicans had been heard that in such a case the militia of the Republican states might decide to march on Washington. In spite of Hamilton's outraged cries, in spite of the plain intent of the electors, the Federalist leaders in Congress decided to throw their strength behind Burr. "It seems to be the general opinion," Gouverneur Morris wrote in his diary, "that Colonel Burr will be chosen President by the House of Representatives. Many of them think it highly dangerous that Mr. Jefferson should, in the present crisis, be placed in that office. They consider him as a theoretic man, who would bring the National Government back to something like the old Confederation. Mr. Nicholay comes today, and to him I state it as the opinion, not of light and fanciful but of serious and considerable men, that Burr must be preferred to Jefferson." [17]

In all this turmoil Jefferson kept his head. He sought ways and means by which the expressed purposes of the Federalists might be defeated. The first, and most obvious method, was to come to an agreement with Aaron Burr.

On December 15th, before the final votes of some of the states were known, he wrote a very careful letter to Burr in New York. After going into the details of what had been planned in the way of dropping a vote here and there to avoid parity between the two Republican candidates, he acknowledged that

> . . . it was badly managed not to have arranged with certainty what seems to have been left to hazard. It was the more material, because I understand several of the high-flying federalists have expressed their hope that the two republican tickets may be equal, & their determination in that case to prevent a choice by the H of R. (which they are strong enough to do), and let the government devolve on a President of the Senate. Decency required that I should be so entirely passive during the late contest that I never once asked whether ar-

rangements had been made to prevent so many from dropping votes intentionally, as might frustrate half the republican wish; nor did I doubt, till lately, that such had been made.

While I must congratulate you, my dear Sir, on the issue of this contest, because it is more honorable, and doubtless more grateful to you than any station within the competence of the chief magistrate, yet for myself, and for the substantial service of the public, I feel most sensibly the loss we sustain of your aid in our new administration. It leaves a chasm in my arrangements, which cannot be adequately filled up. I had endeavored to compose an administration whose talents, integrity, names, and dispositions should at once inspire unbounded confidence in the public mind, and insure a perfect harmony in the conduct of the public business. I lose you from the list, & am not sure of all the others. Should the gentlemen who possess the public confidence decline taking a part in their affairs, and force us to take persons unknown to the people, the evil genius of this country [Hamilton] may realize his avowal that "he will beat down the administration." [18]

Not a word about the possibility that they might be rivals for the great office. Also a contradiction between this detailed discussion of the attempts to drop votes from Burr and Jefferson's later disavowal of knowledge that any such arrangement had been made.

What he was trying to do was to convince Burr that in the event he had failed of the Vice-Presidency, Jefferson had earmarked him for a Cabinet position; and the bait was now temptingly dangled that, should Burr prefer such a position to the comparative obscurity of the Vice-Presidential post, a hint to that effect might still get it for him. The exact Department might then become a matter of bargaining.

Burr's reply, on its face, sounded perfectly frank, open and aboveboard. He spoke of the arrangement with Fenner of Rhode Island that had misfired, and continued: "I do not however apprehend any embarrassment even in Case the Votes should come out alike for us—my personal friends are perfectly informed of my wishes on the subject and can never think of diverting a single Vote from you—on the Contrary, they will be found among your most zealous adherents. I see no reason to doubt of your having at least nine States if the business shall come before the H. of Reps."

To the second part of Jefferson's letter, he was equally frank. While he did not doubt that there was a sufficiency of Republican talent to fill all offices, nevertheless, "as to myself, I will chearfully abandon the office of V. P. if it shall be thought that I can be more useful in any Active Station. In short, my whole time and attention shall be unceasingly employed to render your Administration grateful and honorable to our Country and to yourself." [19]

It is curious that Jefferson, having tempted Burr to offer for a Cabinet position, never took up the offer when it was made. But by the time he received the letter, he was beginning to suspect that Burr was in secret negotiations with the Federalists to oust him from the first position; and

after the contest was over, he had worked himself into such a state of resentment that he preferred to keep Burr in the obscurity and empty honor of the Vice-Presidency.

The lame-duck Congress was scheduled to convene in February, 1801. But the intervening period was filled with alarums and excursions, with plot and counterplot, with frantic conferences and even more frantic letters, with racing rumors and denials that never caught up.

The Federalists in Congress had decided to back Burr. To Hamilton, however, this was anathema. In letters that grew ever more reckless in phrase he denounced Burr as a "voluptuary by system," a man "without probity," a cynical bankrupt who would not hesitate to sell his country for foreign gold. He even threatened to withdraw from the party if its leaders failed to take his advice.[20]

In one of the few letters in which he was sufficiently calm to be logical, he actually made out a case—at least from the Federalist point of view. If the Federalist plan to elect Burr succeeded, he warned, "it will have done nothing more or less, than place in that station a man who will possess the boldness and daring necessary to give success to the Jacobin system, instead of one, who for want of that quality, will be less fitted to promote it." He felt reasonably certain that, in exchange for their votes, assurances could be obtained from Jefferson on issues vital to the Federalists: the preservation of Hamilton's fiscal system; continued neutrality in Europe; an increased navy; and the continuance of Federalists in all public offices except for department heads.[21]

But the very recklessness of his invective weakened still further his already waning influence with his party, and its leaders sought privately to gain Burr over to their views. They failed. In spite of suspicions then, open accusations later, and the dutiful recording of every bit of unsupported gossip in Jefferson's *Anas*, there is no evidence that Burr connived at or entered into any deal with the Federalists to place himself in the Presidency.

As soon as it seemed probable that there would be a tie, he wrote an open letter to General Samuel Smith, Jefferson's campaign whip, to the effect that "if such should be the result, every man who knows me ought to know that I would utterly disclaim all competition. Be assured that the federal party can entertain no wish for such an exchange. As to my friends, they would dishonour my views and insult my feelings by a suspicion that I would submit to be instrumental in counteracting the wishes and expectations of the United States. And I now constitute you my proxy to declare these sentiments if the occasion should require."[22] At the appointed time, Smith hastened to publish this forthright disclaimer.

The Federalists sent an emissary, David A. Ogden, to treat with Burr. He received such replies that he reported in disgust to the leaders that they had better "acquiesce in the election of Mr. Jefferson, as the less dangerous

man of the two." [23] To the New York delegation in Washington, however, Ogden insinuated that he was in Burr's confidence, and that it would be to their interest to join with the Federalists in electing him.[24]

The Republicans by this time were at fever pitch. They still believed that the real intention of the Federalists was to create a stalemate which would give them an excuse to continue themselves in power. In that case, some of the hotheads were ready to use force. Republican troops would march, they threatened. "Virginia would instantly proclaim herself out of the Union," warned Joseph H. Nicholson.[25]

Even Monroe, in his official capacity as Governor of Virginia, declared his intention to keep the Assembly in constant session to meet with the crisis, and to install a chain of expresses between Washington and Richmond to get word as quickly as possible of any Federalist action. While clinging to the belief that the Eastern States were only bluffing, he was ready for eventualities. "If the union could be broken," he avowed, such a Federalist coup would do it.[26]

But there was not the slightest hint that, should the Federalists succeed in their announced intention of electing Burr, there would be any convulsion on the part of the Republicans, no matter how bitter their disappointment. Even Jefferson, after the event of his own election, declared that he would have acquiesced. "Had it terminated in the elevation of mr Burr," he then told McKean, "every republican would I am sure have acquiesced in a moment; because, however it might have been variant from the intentions of the voters, yet it would have been agreeable to the constitution. No man would more chearfully have submitted than myself, because I am sure the administration would have been republican, and the chair of the Senate permitting me to be at home 8. months in the year, would on that account have been much more consonant to my real satisfaction. But in the event of an usurpation I was decidedly with those who were determined not to permit it." [27]

During the struggle itself, the one thing that Jefferson mourned was the want of their foresight in not having made an arrangement sufficient to have avoided a tie. "The contrivance in the Constitution for marking the votes works badly," he exclaimed, "because it does not enounce precisely the true expression of the public will." The Republican strategy in the current situation was to press for an election by the House. If that failed, then it was decided to have Jefferson and Burr issue a joint proclamation allocating the offices between them.[28] Madison suggested instead that the two candidates issue a joint proclamation calling the newly elected Congress into session, in order that it might decide the issue rather than this lame-duck one. He acknowledged that such a procedure might not be "strictly regular" under the Constitution, but "the irregularity will be less in form than any other adequate to the emergency." [29]

Albert Gallatin, Republican leader in the House, opposed both these plans as "an assumption of power not strictly warranted by the forms and

substance of our constitutions." As a good general, he formulated his own plan to meet every possible contingency. The attempt to elect Burr, he felt, could be defeated by the firmness of the Republicans in Congress. Any attempt to order a new election would end in futility for the Federalists. Adams would merely be licked again. Should they seek to assume executive power during an interregnum, such "usurpation must be resisted by free men whenever they have the power of resisting." How could that be done? First, the Republican states would refuse to recognize or obey the usurper. Second, they must try to defeat any proposed law to that effect in Congress, and failing that, prevail on Adams to veto it, and have the legislatures of the states meet to determine their course.[30]

Hugh Henry Brackenridge of Pittsburg, as became a frontiersman, advocated a bold and decisive stroke. He advised Jefferson to proclaim himself President on March 4th, get Burr's consent in writing to the proclamation, and have "the legitimate authorities" instantly ratify the act. "In a case of this nature," he asserted, "all depends on the decision and rapidity of the movement, the hadrepebelon or fortunate boldness of the Greeks, the coup de main of military men." [31]

In the midst of all this excitement, Jefferson was still able to direct his attention to other matters. He duly transmitted to the American Philosophical Society certain communications on the steam engine from Robert R. Livingston, former Chancellor of New York. He asked Livingston to get him some large bones, supposed to be mammoth, which had been discovered not far from his residence. Almost as an afterthought, he offered Livingston the post of Secretary of Navy in his forthcoming Cabinet.[32]

He was also keeping a careful eye on his affairs at home. He told his son-in-law to speak sharply to the overseer "as to the treatment of the nailers. It would destroy their value in my estimation to degrade them in their own eyes by the whip. This therefore must not be resorted to but in extremities. As they will be again under my government I would chuse they should retain the stimulus of character." [33] And on February 3rd, a week before Congress opened, he found time to purchase a bay horse for $300, though payment would have to wait until May 1st.[34]

In spite of his seeming insouciance, however, the atmosphere of Washington clouded his sensitive nature. He was worn down, he complained, with distasteful pursuits, and "surrounded by enemies & spies, catching & perverting every word which falls from my lips or flows from my pen, and inventing where facts fail them." He was in an enemy's country. "It is an unpleasant circumstance, if I am destined to stay here, that the great proportion of those of the place who figure, are federalists, and most of them of the violent kind. Some have been so personally bitter that they can never forgive me, tho' I do them with sincerity. Perhaps in time they will get tamed." [35]

But there were also Federalists who were fighting valiantly for Jefferson, and these included his former great enemy, Hamilton. John Adams,

still licking his wounds in defeat, stood aloof with a kind of "a plague on both your houses" attitude. "I know no more danger of a political convulsion," he wrote privately, "if a President, *pro tempore*, of the Senate, or a Secretary of State, or Speaker of the House, should be made President by Congress than if Mr. Jefferson or Mr. Burr is declared such. The President would be as legal in one case as in either of the others, and the people as well satisfied." But what good would it do to follow the first course? he inquired. There would have to be another election, and Jefferson would again be chosen. "We shall be tossed, at any rate," he ended mournfully, "in the tempestuous sea of liberty for years to come, and where the bark can land but in a political convulsion, I cannot see." [36]

On February 11, 1801, Congress convened. The atmosphere was electric with tension; and the dreary city was blanketed with snow. Every available accommodation was taken, with newcomers clamoring for even a board to sleep on. Intrigue was everywhere, and men foregathered to speak in whispers and with a sidelong glance to see if they were overheard. Bargains, deals, corrupt promises were in the air; and rumor multiplied them manyfold.

The first order of business was to count the electoral votes. This was the joint business of both Houses, and Jefferson sat in the President's chair with immobile face while the counting proceeded. There were no surprises. Jefferson and Burr were tied for the lead.

The next step was the crucial one. Under the Constitution, an indecisive election was thrown into the House of Representatives. The balloting was to be done by States, and there were sixteen States.

Jefferson estimated his chances. He was certain of eight States; the Federalists were equally certain of six; and two seemed equally divided, thereby losing their votes. Nine—a majority—was necessary to win. If any one of six individuals, all of "moderate disposition," would switch his vote to Jefferson, he would provide that all-essential ninth State.[37]

The first ballot proved the accuracy of the prediction. Eight States—New York, New Jersey, Pennsylvania, Virginia, North Carolina, Kentucky, Georgia and Tennessee—voted for Jefferson. Six States—New Hampshire, Massachusetts, Rhode Island, Connecticut, Delaware and South Carolina—cast ballots for Burr. Two States—Vermont and Maryland, their own delegations deadlocked—cast blanks. In actual individual votes cast, however, Burr had a majority of 55 to 51.[38]

With a snowstorm raging outside, and the House chamber bare, draughty and unheated, the balloting proceeded, roll call after roll call. From one in the afternoon, all through the night, until eight o'clock the next morning, twenty-seven ballots were taken, with the same monotonous result. Not a vote had shifted; not a State had budged. The tired and shivering members agreed then to suspend until noon; and they staggered out to eat and catch some sleep. Promptly at the appointed hour they were back again, and

tried another ballot. Still the same.[39] The members "looked banged badly," observed one of them.[40]

There were cases of heroism. Joseph Nicholson of Maryland was ill with a high fever, but he trudged determinedly through the snow and lay on a cot in the draughty chamber through every ballot, voting for Jefferson. Had he not done so, Maryland's blank vote would have gone to Burr. Even Harrison Gray Otis, Boston Federalist and working for Burr, could not forbear admiration. "It is a chance that this kills him," he wrote his wife. "I would not thus expose myself for any President on Earth." [41]

Since there was, according to Gallatin, a possibility that another member of the Maryland delegation might be induced to come over to Jefferson, it was even more vital that Nicholson attend.

A few more test votes and the House lay over to the following morning. By February 14th, thirty-three ballots had been taken; and the lines still remained firm. Further voting was therefore adjourned until Monday. Gallatin fumed at the impudence of the Federalists in continuing the struggle so long. We ourselves shall never yield, he asserted vehemently.[42]

But that Saturday came the first ray of hope. James A. Bayard, lone Representative from Delaware, and leader of the Federalist coalition for Burr, had privately stated that he intended to shift his vote to Jefferson.[43] Nevertheless, Saturday passed without any sign.

On February 15th, Jefferson was writing to Monroe that the signs pointed toward a break on Monday. He analyzed the Federalist position as follows: if they could have passed a law placing the government in the hands of a president pro tem, they would have done so. But the Republicans had told them plainly that the day such an act was passed, the Middle States would arm to oppose the usurpation. Furthermore, a convention would be called to reorganize the government and amend the Constitution. These affirmations, Jefferson was convinced, shook the Federalist will to proceed to extremes. He added one bit of interesting information. "Many attempts," he said, "have been made to obtain terms & promises from me. I have declared to them unequivocally, that I would not receive the government on capitulation, that I would not go into it with my hands tied." [44]

By this time Jefferson was convinced that Burr was intriguing with the Federalists for the post. He crammed his *Anas* with all sorts of rumors to that effect, most of them third and even fourth hand. For example, he heard and carefully preserved for posterity that Bayard had approached Samuel Smith, Edward Livingston and Dr. Linn of New Jersey, offering them Cabinet posts and other appointments if they switched to Burr; and claimed, in one instance at least, that Burr had authorized the offer.[45]

But Bayard had a wholly different story to tell. He was disgusted with Burr. All efforts to gain his co-operation in his own behalf had failed; Burr, attending the session of the New York Assembly in Albany and busy with his daughter's wedding, had steadfastly refused to yield to Federalist blandishments. "The means existed of electing Burr," Bayard declared to

Hamilton, "but this required his co-operation. By deceiving one man (a great blockhead), and tempting two (not incorruptible), he might have secured a majority of the States. He will never have another chance of being President of the United States; and the little use he has made of the one which has occurred, gives me but an humble opinion of the talents of an unprincipled man." [46] The last appellation can only be considered as the epithet of a disgruntled Federalist.

In another direction, however, Bayard was more successful; at least, so he was to testify at a later date. Realizing at length that they could expect nothing from Burr, the Federalists decided to attempt to obtain from Jefferson those assurances which Hamilton had laid down as essential. Bayard of Delaware, Baer and Craik of Maryland, and Morris of Vermont, had agreed to vote together. Now, with deadlock unending and Burr recalcitrant, they applied to Nicholas of Virginia as an intermediary to obtain terms from Jefferson. Their terms—and Hamilton's—were that the public credit be left untouched, the navy increased, and subordinate Federalist officials left in office. Nicholas refused to act, whereupon they turned to General Samuel Smith of Maryland. Smith agreed to see Jefferson and to obtain his answer. The following morning he returned to the four Congressmen with the information that he had laid their proposition before Jefferson, who authorized him to say that the points "corresponded with his views and intentions, and that we might confide in him accordingly." [47]

Jefferson was to deny most vigorously and emphatically that he had made any such bargain. But Smith, interrogated in the same proceedings with Bayard, was compelled unwillingly to admit that he *had* acted as intermediary, and that Jefferson had at least stated, in connection with a friend of Bayard in political office, that "Mr. Bayard might rest assured . . . that Mr. Jefferson would conduct, as to those points, agreeably to the opinions I have stated as his." [48]

Whether or not there was a misunderstanding on Jefferson's part of the true nature of General Smith's inquiries, can naturally never be determined. But the effect was immediate. When the House reconvened on February 17th, on the thirty-sixth ballot, the Federalist forces broke their hitherto solid ranks. The members from Vermont and Maryland who had hitherto voted for Burr, now cast blank ballots, and those States went to Jefferson. Bayard of Delaware refrained from voting, and so did the entire South Carolina delegation. Only four New England States refused to be parties to a deal, and went down fighting to the last. When the final results were announced, ten States were for Jefferson, four for Burr, and two did not vote.

The long and most bitterly contested election in American history was over. Jefferson was President, and Burr Vice-President.

"Thus," Gallatin wrote the epitaph, "has ended the most wicked and absurd attempt ever tried by the Federalists." [49]

CHAPTER 47

President Jefferson

AS the sun rose on March 4, 1801, over the new capital of the United States, there was a decided unanimity of opinion that the events of the day would seal and make permanent the Second American Revolution. Both Federalists and Republicans were convinced that an era had ended, and a new and different one was about to begin. Naturally, the event was viewed with sharply diverse feelings.

On the one hand, the more bitter Federalists foresaw the end of the world, the subversion of orderly government and the trampling of the breechless mob through the streets of the cities; while their even more embittered adherents among the New England clergy prophesied the reign of Antichrist and the death of all religion. The Republicans, however, intoxicated with the wine of victory, hailed the dawn of a new and more glorious era, in which the will of the people would be mighty and prevail, and dark days would vanish forever from the earth.

Jefferson himself was optimistic. "The storm through which we have passed," he wrote, "has been tremendous indeed. The tough sides of our Argosie have been thoroughly tried. Her strength has stood the waves into which she was steered, with a view to sink her. We shall put her on her republican tack, & she will now show by the beauty of her motion the skill of her builders." [1]

John Marshall, however, whom Adams had appointed Chief Justice of the Supreme Court in the closing days of his administration, viewed the future in gloomier vein. "Today the new political year commences," he wrote on the morning of the inauguration. "The new order of things begins. . . . There are some appearances which surprize me. I wish however more than I hope that the public prosperity & happiness may sustain no diminution under democratic guidance. The democrats are divided into speculative theorists & absolute terrorists. With the latter I am not disposed to class Mr Jefferson. If he arranges himself with them it is not difficult to foresee that much calamity is in store for our country—if he does not they will soon become his enemies & calumniators." [2]

But the plain people had no such fears. They saw only the advent of heaven on earth—in which it was bliss to be alive. Lustily they sang the new song struck off for the occasion. Entitled "The People's Friend," the tune rose high:

> No more to subtle arts a prey,
> Which, fearful of the eye of day,

A Nation's ruin planned:
Now entering on th' auspicious morn,
In which a people's hopes are born,
What joy o'erspreads the land . . .

Devoted to his country's cause,
The Rights of Men and equal Laws,
His hallow'd pen was given:
And now those Rights and Laws to save,
From sinking to an early grave,
He comes, employ'd by Heaven.

What joyful prospects rise before!
Peace, Arts and Science hail our shore,
And thro' the country spread:
Long may these blessings be preserv'd,
And by a virtuous land deserv'd,
With JEFFERSON our head.[3]

Washington was crowded with spectators come to attend the inauguration. But there were two significant absentees. One was John Adams, the outgoing President; the other was Theodore Sedgwick, the Federalist Speaker of the House of Representatives. Both had quit Washington early in the morning, to avoid seeing the death of all their hopes.

Adams's abstention was by far the more important. As still President—until the oath was given to the new incumbent—it was his duty to be present. As one who had once been friendly with Jefferson, it was only the merest of courtesies to have graced the occasion with his presence. But Adams, in those last dark days of the campaign, had come to feel himself mortally aggrieved. As John Randolph of Roanoke sarcastically observed, he had with touching naïvete believed almost until the end that Jefferson had had no further ambition than again to be Vice-President under himself. When his eyes were opened, the disillusionment was too much; and for the first time, he harkened eagerly to all the calumnies which his more extreme followers were industriously promulgating against the incoming candidate. Forgotten were the days of friendship and of trust in Europe; remembered now only were the dedication at the masthead of Tom Paine's pernicious volume, the secret maneuvers of the Jeffersonians against his administration and the foul insults of the Republican press.

He now sincerely believed that calamity had fallen upon the nation; and he spent his last days in office in a desperate endeavor to build bulwarks against the tide of anarchy he was certain was scheduled to crash upon the land. Grimly and furiously he bent to the task. He placed the Virginian John Marshall, whom Jefferson detested and by whom he was in turn detested, in the high office of Chief Justice of the Supreme Court. He co-operated gladly with the Federalists in the lame-duck Congress to

push through a Judiciary Act which enlarged the Federal judiciary and created new judgeships. These he promptly filled with sound Federalists for terms limited only by "good behavior." It was this measure that Jefferson dreaded more than any other, "because appointments in the nature of freehold render it difficult to undo what is done." [4]

Adams remained at his desk signing commissions to Federal offices as fast as they could be laid before him, working until the very last moment of his stay in office. These were the famous "midnight appointments" which have since given rise to the legend that Adams sat in his lonely chamber through the wee, sma' hours of March 3rd and March 4th racing with facile pen over the mountainous sheaf of appointments.[5]

No wonder then that enmity sprang up between the two men; though Jefferson, as late as December 19th, had expected to be able to arrive "at a candid understanding with Mr. A[dams]. I do not expect," he then said, "that either his feelings or his views of interest will oppose it. I hope to induce in him dispositions liberal and accommodating." [6]

The great day of March 4th was ushered in by a parade of artillery and riflemen before the President-elect's lodgings at Conrad & McMunn's, accompanied by a salvo of guns and cannon. At noon, dressed plainly and without ostentation, Jefferson walked on foot in the company of Benjamin Stoddert, Secretary of Navy, and Samuel Dexter, Secretary of Treasury, together with a group of Republican members of Congress and an anonymous following of citizenry, from the boardinghouse to the Capitol. A company of Maryland artillery, dragging their cannon, paraded with them.

Only the north wing of the Capitol building was completed, and this was occupied by the Senate, the courts and the library. The center was still unfinished; while the south wing consisted of a temporary oval brick structure, irreverently called the "Oven," where the House of Representatives sat in great discomfort.

As Jefferson mounted the steps of the north wing to the Senate chamber, the militia fired their cannon and then dispersed. Assembled and waiting in the chamber were the members of both Houses, with Aaron Burr, recently arrived from New York, erect and dignified in the Senate chair. The members rose, Burr vacated the central seat and motioned Jefferson to assume it. Burr sat down on his right hand, and John Marshall sat down on the left. There ensued a few minutes of silence, then Jefferson rose again, with a manuscript in his hand, and commenced reading his Inaugural Address in what all those present agreed was a low-pitched, inaudible voice.[7]

Jefferson had taken a great deal of care in the preparation of his Inaugural Address. He knew that the country was waiting eagerly, though with varying emotions, to ascertain his intentions, to determine whether in fact a revolution had taken place, and if so, to what extremes it would go.

There had been considerable dispute among the Republicans themselves over the course to be plotted. Monroe, from his gubernatorial chair in Richmond, had expressed the view that any compromise with the Federalists would ruin the Republican cause. "There is no political error more to be avoided," he told Jefferson, "than a step [which] gives cause to suspect an accommodation with that party, or coloring to an opinion it is feared or respected. . . . Be assured, with the leaders of the royalist party you will never have a friend. With principles so opposite, it is impossible you [should]. The way is to drive off the mass of the people by a wise, firm, yet moderate course, from those leaders, and leave them to the ignominy they merit." [8]

This was exactly what Jefferson had intended, long before he received Monroe's exhortation. He wanted an administration that would proceed as smoothly as possible, and that would be supported by the overwhelming majority of the people. Though the election had ended in victory, the actual returns had been uncomfortably close. But he believed that the mass of the Federalists who had voted against him were misled by their leaders; if he could assure them that no anarchy was intended, that bloody revenge was not to follow, that no monster of infamy had come into office, they would, he thought, desert the fanatic "royalists" and enter the Republican fold. In the words of a later President, his mission was "to bind up the wounds" and to bring peace and harmony to a distracted country.

He explained his strategy to his friends and followers. "On the whole," he wrote General Gates, "I hope we shall make up an administration which will unite a great mass of confidence, and bid defiance to the plans of opposition meditated by leaders, who are now almost destitute of followers. If we can hit on the true line of conduct which may conciliate the honest part of those who were called federalists, & yet do justice to those who have so long been excluded from [the government], I should hope to be able to obliterate, or rather to unite the names of federalist & republican. The way to effect it is to preserve principle, but to treat tenderly those who have been estranged from us, & dispose their minds to view our proceedings with candour. This will end in approbation." [9]

It is with this strategy in mind that the Inaugural Address must be considered; and, in spite of the later sneers of certain commentators, the strategy proved a brilliant success.

After the usual expression of thanks for his election, and with some oratorical flourishes concerning the destiny of America, Jefferson settled down to the business at hand. The election, turbulent though it was, had been conducted according to the rules of the Constitution, and "all will, of course," he took it for granted, "arrange themselves under the will of the law, and unite in common efforts for the common good." In order to accomplish this, "all, too, will bear in mind this sacred principle, that

though the will of the majority is in all cases to prevail, that will to be rightful must be reasonable; that the minority possess their equal rights, which equal law must protect, and to violate would be oppression. Let us, then, fellow-citizens, unite with one heart and one mind. Let us restore to social intercourse that harmony and affection without which liberty and even life itself are but dreary things. And let us reflect that, having banished from our land that religious intolerance under which mankind so long bled and suffered, we have yet gained little if we countenance a political intolerance as despotic, as wicked, and capable of as bitter and bloody persecutions."

These were sweet words and reasonable, calculated to soothe and placate; yet with an undertone of meaning to indicate that there *had* been intolerance, persecution and social ostracism under the Federalists.

"Every difference of opinion," he continued in similar vein, "is not a difference of principle. We have called by different names brethren of the same principle. We are all Republicans, we are all Federalists." With this famous phrase, Jefferson deftly turned the flank of the opposition; though at the same time creating some grumblings within his own ranks. It was the olive branch he held out to the generalty of the Federalists; the subtle implication that though arrayed under different banners the aims and objectives of honest Federalists and Republicans were the same; the unmistakable invitation for the defeated to come and partake at the common table.

"Let us, then," he proceeded, "with courage and confidence pursue our own Federal and Republican principles, our attachment to union and representative government" in a chosen land, "kindly separated by nature and a wide ocean from the exterminating havoc of one quarter of the globe; too highminded to endure the degradations of the others"; enlightened "by a benign religion" and "acknowledging and adoring an overruling Providence"; and under "a wise and frugal Government, which shall restrain men from injuring one another, shall leave them otherwise free to regulate their own pursuits of industry and improvement, and shall not take from the mouth of labor the bread it has earned. This is the sum of good government, and this is necessary to close the circle of our felicities."

Not enough attention has been paid to the skill and dexterity with which Jefferson managed in short compass to quiet the fears of the Federalists and build up an entirely different picture of himself in their minds from that to which they had been accustomed in their campaign literature. At one and the same time he disavowed any entanglements with France, put across the point that he, the alleged "atheist," was in fact a humbly religious man, and denied any intention to interfere with the sacred rights of property.

This accomplished, he was now able to propose his positive program in short, pithy sentences:

Equal and exact justice to all men . . . peace, commerce, and honest friendship with all nations, entangling alliances with none; the support of the State governments in all their rights . . . the preservation of the General Government in its whole constitutional vigor, as the sheet anchor of our peace at home and safety abroad; a jealous care of the right of election by the people . . . absolute acquiescence in the decisions of the majority . . . a well-disciplined militia . . . the supremacy of the civil over the military authority; economy in the public expense . . . the honest payment of our debts and sacred preservation of the public faith; encouragement of agriculture, and of commerce as its handmaid; the diffusion of information and arraignment of all abuses at the bar of public reason; freedom of religion; freedom of the press, and freedom of person under the protection of the habeas corpus, and trial by juries impartially selected.[10]

In these succinct phrases was ample fare for everyone; for Federalists as well as Republicans. Peace, freedom, prosperity, have always been magical terms. If some Federalists might have quarreled over the insistence on States' rights, there was sufficient genuflection in the direction of the General Government; no one could quarrel with the restatement of the Bill of Rights, though all knew it held implicit an attack on the abuses of those rights during the preceding years; commerce was mentioned as well as agriculture, though the farmer could take comfort in the subtle hierarchy of their placement; while both Francophiles and Anglophiles could unite in the ringing "entangling alliances with none" taken verbatim from the lamented Washington's Farewell Address. The Inaugural was all things to all people, and was intended as such.

Unfortunately, though the auditors in the crowded Senate chamber strained to hear, Jefferson's words were almost inaudible, and they had to wait for their appearance in newsprint to weigh and digest the sentiments expressed. In the meantime, the ceremony proceeded unimpeded. John Marshall, as became his office, administered the oath of office, first to Jefferson, and then to Burr.

The Inaugural ended, the combined session adjourned, and Jefferson repaired, still on foot, to his boardinghouse. That evening, at dinner, he found every accustomed seat in the dining room taken. No man present rose to offer the President of the United States his seat, until the wife of John Brown, the Senator from Kentucky, offered to yield hers at the more desirable end of the table. But Jefferson declined, and quietly sat down in his regular place at the bottom, far removed from the cheerful warmth of the fire.[11]

He remained at Conrad's until March 19th, when he moved into the President's House. He found that mansion, from which the Adamses had removed their private possessions, plainly and scantily furnished. The East Room, famous to later generations, was still unfinished. For the next few years Jefferson busied himself with furnishing the bare bones, particularly the cabinet room, which became his study. He placed a long table inside

in the drawers of which he kept his garden and carpentry tools. He adorned the walls with maps and charts, and set his globes and books in all the corners. In the window recesses he placed potted plants, roses and geraniums; and suspended the cage of his pet mockingbird, whose singing comforted him in hours of trial. He loved to open the cage and let the bird fly at liberty in the room and come finally to a perch on his shoulder, taking food from between his lips.[12]

The first reaction to Jefferson's Inaugural came from John Marshall who, seated as he was immediately alongside the speaker, had a chance to hear that which was temporarily denied the others. At 4 P.M., he scribbled an addendum to his letter to Pinckney: "I have administered the oath to the President. You will before this reaches you see his inauguration speech. It is in the general well judgd & conciliatory. It is in direct terms giving the lie to the violent party declamation which has elected him, but it is strongly characteristic of the general cast of his political theory." [13]

If Marshall, one of the most perspicacious of the Federalist leaders, thus had his direst fears relieved, it may well be understood that the common mass of the Federalists were only too happy to find that the fire-breathing monster they had anticipated was cooing like a suckling dove.

The Rev. Manasseh Cutler, perhaps more known to fame as a land speculator on a gigantic scale than for his prowess in the pulpit, was somewhat perplexed; yet he was able to note the implications. "Jefferson's speech," he wrote a friend, "though a mixed medley of Jacobinism, Republicanism, and Federalism, of religion and atheism, of sentiments consistent and inconsistent with the constitution of an energetic government, yet it is extremely smooth, and must be highly popular with the people at large. There is a fair opening, and I think a hope, that he may prove a prudent man, and, though the next Congress will have a majority of Jacobins, the administration may not be greatly changed." [14]

George Cabot, one of the more temperate leaders of the tight little Junto of Massachusetts Federalists, agreed that the speech "is so conciliatory that much hope is derived from it by the Federalists; it certainly contains *some foolish* & *some pernicious* as well as *many good* ideas. On the whole however its temper entitles it to respect & whatever may be the sincerity of its professions, good policy requires that they be trusted till contradicted by actions." [15]

The Chevalier d'Yrujo, the Spanish Minister to the United States, wrote Jefferson enthusiastically from Philadelphia that "in my way I have convers'd with tyrians and troyans, high and low; and all to a man consider your exaltation as the triumph of merit and vertu; your speech, which could not easely be heard in the room of the Senate, is making great noise and many conversions without doors." [16]

Not every Federalist, however, was placated. Hamilton, to whom Jefferson's speech ought to have been a triumphant vindication of his

earlier diagnosis, nevertheless muttered gloomily in his retreat that nothing but ruin would develop and serious commotions.[17] And Theodore Dwight, the great Calvinist divine, minced no words in a warning oration at New Haven.

"The great object of Jacobinism," he thundered, "both in its political and moral revolution, is to destroy every trace of civilization in the world, and to force mankind back into a savage state.... We have now reached the consummation of democratic blessedness. We have a country governed by blockheads and knaves; the ties of marriage with all its felicities are severed and destroyed; our wives and daughters are thrown into the stews; our children are cast into the world from the breast and forgotten; filial piety is extinguished, and our surnames, the only mark of distinction among families, are abolished. Can the imagination paint anything more dreadful on this side hell?" [18] It was indeed fortunate for his audience that Dr. Dwight's imagination faltered at this point.

But Jefferson had anticipated that he would never win over the die-hard leaders of Federalism, particularly those who were gentlemen of the cloth. There would be, he recognized, eternal war between himself and the clergy. He hated what he called their obscurantism, and they despised what they termed his atheistic infidelity. Between such antagonists there could be no quarter. "The Eastern States," wrote Jefferson, "will be the last to come over [to republicanism], on account of the dominion of the clergy, who had got a smell of union between Church and State, and began to indulge reveries which can never be realized in the present state of science." [19]

On the other hand, the reception of the Inaugural by the Republicans was mixed. There were those who were taken aback. Had they fought the good fight and won their resounding victory merely to be told that there was little difference between Federalism and Republicanism? Had they sustained persecution and abuse for the sake of extending the hand of comradeship to their persecutors? Were the Federalists snug in office to remain there while faithful Republicans, parched with years of deprivation, had their thirst for public funds unslaked? These were the murmurings that shortly rose to audible growls and angry shouts.

In the meantime they were muted, though keen students of the popular mind like Monroe could detect their presence. From Richmond he voiced a warning. Though the speech had been approved in Virginia, "still there are dangers in yr. way which it is necessary to shun." The Federalists, in power for twelve long years, had abused their trust, and the people had driven them out. "Honest" Federalists had deserted their leaders and become converted. But there was the rub. For many of the converts held public offices or panted for it. Certainly, Monroe avowed, "these new converts should be cherished, but it should be done with care so as not to wound the feelings of those who have deserv'd better of their country

& of mankind. I am persuaded that any marked attention from you as yet, by which I mean advancement to office, of any of these persons, would be impolitick as it might lessen the confidence of the republicans in your administration." [20]

Monroe's plain-spoken warning gave Jefferson due notice that the plan he had thought to adopt in apportioning offices so as to attach as many erstwhile Federalists as possible to his policies was going to run into trouble with the members of his own party. He had hoped, by giving vacant offices only to Republicans, and permitting Federal officeholders to remain, that he would be able to wean the latter from their die-hard leaders. Some dismissals, he acknowledged, had to be made, but "they must be as few as possible, done gradually, and bottomed on some malversation or inherent disqualification." [21]

The more immediate problem before Jefferson, however, was to fill certain offices of which there would be no question that they belonged wholly to the Republicans. These were the Cabinet positions. Pending his own appointments, he had asked Adams's Cabinet to remain temporarily, and they had agreed.

There were now five Departments—a Secretary of Navy had been added to the State, Treasury, War and Attorney General of earlier days. Jefferson, as a former Cabinet officer himself, was keenly aware of the necessity of obtaining first-rate men who, at the same time, could work harmoniously together and be in essential agreement on the fundamental policies of the Administration. He wished for no recurrence of the guerilla warfare that had existed between Hamilton and himself; and certainly he did not want men who would acknowledge an outsider as their leader, as had happened in Adams's Cabinet.

As soon, therefore, as he had known that he was elected, he tried to pick his men. It was not as easy as he had thought.

For the most important post—the State Department—there was no hesitation. That place had been earmarked for James Madison; he was nominated and confirmed by the Senate. But it would be some time before Madison could arrive at Washington to assume his new duties.

For the Treasury, there was similarly but one man fitted in all respects for the job—that was Albert Gallatin. He had been the only one in Congress who could untangle the maze of Hamiltonian finances and find the soft spots for the Republicans to attack. It was feared, though, that the Senate might refuse to confirm him, and it was decided not to place his name in nomination until the next session of Congress; though in the meantime, he would discharge the duties of the Treasury on a temporary basis. Yet even here, Gallatin insisted on time to return to Pennsylvania, wind up his affairs, and move his family to Washington.

Nor did he have any trouble with the office of Attorney General. That went to a New Englander, Levi Lincoln, a Massachusetts lawyer who had

recently been elected to Congress. Lincoln also doubled as Secretary of State until Madison arrived.

The War Department went to Henry Dearborn of Maine; while Samuel Dexter, the Secretary of Treasury under Adams, expressed his willingness to stay on until Gallatin completed his personal arrangements and appeared in Washington.

But the Secretary of Navy proved the most difficult of all to find. It was a comparatively new post and one that went counter to every Republican principle. For the position had been erected to take care of an enlarged navy, and it was Republican dogma that an enlarged navy had but one purpose—to fight a naval war with France in defense of New England's commercial interests. Jefferson had forgotten by this time his earlier insistence on a navy—but that had been to harry the Barbary pirates and force England to respect American rights.

He first offered the post to Robert R. Livingston, Chancellor of New York, after Livingston had turned down the Ministry to France. But the New Yorker, interested though he was in steam navigation and a co-worker with Robert Fulton, refused this post also. Jefferson next tried General Samuel Smith of Maryland, begging him to accept, since there were few Republicans—and he was one—who had any knowledge of naval matters.[22] Smith's title of General—though official enough—did not presuppose any actual knowledge of army tactics. As for his naval knowledge, that came merely from his career as a merchant in Baltimore. But he had been in Congress, and had helped lead the Republican forces.

Smith, in spite of the doubtful compliment, rejected the bid and Jefferson turned in despair first to John Langdon of New Hampshire, and then to William Jones of Philadelphia. But it seemed that no one wanted the unloved post; and Jefferson, now thoroughly desperate, offered it again to Smith. He was willing, if Smith would only agree to take it at some future date, to make a complicated series of temporary appointments in the interim.[23]

According to a Congressional enactment, certain ships of the little navy were supposed to be sold, others laid up and still others equipped for sea; and Jefferson was at a complete loss what the next steps were. "As to what is to be done," he confessed to Smith, "when everything shall be disposed of according to law . . . oppresses me by night & by day: for I do not see my way out of the difficulty. It is the department I understand the least, & therefore need a person whose compleat competence will justify the most entire confidence & resignation." That person, obviously, was Smith.[24]

Smith yielded to this final plea, especially since Benjamin Stoddert, the holdover from the previous administration, had now decided to resign. But he made it clear that he would fill the post only until another Secretary could be found. His own brother, Robert Smith, a lawyer who had no qualifications whatever, at length graciously consented to relieve the general on July 15th. But Jefferson, who had spent the month of April at

Monticello, was only too happy to get his administration moving somehow, in the hope that later on it would pick up speed and smoothness of operation.

The Cabinet, as finally chosen, was a mixed one. It had two top-notch men in the most important posts—Madison in the State Department, and Gallatin in the Treasury. These two could compare in some degree with the two stalwarts of Washington's administration—Jefferson and Hamilton. Lincoln was a good lawyer, though not as well known as Edmund Randolph had been. Dearborn was a good business man, if not particularly strong for his post in the War Department; but certainly he could fill it at least as well as his predecessor, General Knox. Jefferson trusted him; though, when Dearborn during Madison's term was faced with the problems of the War of 1812, his former chief turned on him with excoriating language. Robert Smith was the weakest link; but then Jefferson's interest in the Navy was at a low ebb. His final appointment—the post of private secretary to himself—went to Lt. Meriwether Lewis, a young Virginia neighbor who was now on duty in Gen. James Wilkinson's command.[25]

Thus armed and accoutered, Jefferson returned from Monticello on April 29th to assume his duties of President of the United States, and to attempt to steer the ship of state on the new course he intended.

There were a good many problems awaiting his consideration. The first —and the one that was to plague him the most—was the question of what to do with the incumbent officeholders. The Federalists insisted that they had struck a bargain with him whereby none of them in purely administrative—as against executive and policy-making—positions should be ousted. Jefferson denied he had entered into any bargain, but had merely replied to a query concerning a specific case—that of Allan McLane of Delaware in the Customs.

Jefferson made his position clear in letters to his two sons-in-law. To Thomas Mann Randolph he declared that "a few removals from office will be indispensable. They will be chiefly for real mal-conduct, & mostly in the offices connected with the administration of justice. I shall do as little in that way as possible. This may occasion some outcry; but it must be met." [26]

To John W. Eppes he posed the problem more carefully. "That all former officers should be removed, no man thinks; that some should, all agree. But no two draw the same line. Mr. Adams's last appointments, made just as he was going out of office, are treated by me as nullities (except the judges). I appoint others instead of them generally. Marshals & attorneys who have packed juries or committed other legal oppression on our citizens are under a course of removal. Officers in every line who have been guilty of misconduct & abuse of office, will be removed. But for mere difference of principle, I am not disposed to disturb any man. This is exactly what we have complained of in the former administration." [27]

This was a reasonable, yet cautious course. Certainly those who had been guilty of maladministration and oppression should be dismissed from office. The difficulty consisted, however, in deciding who came under that heading. To the Republicans, every marshal and federal attorney who had had anything to do with the prosecution of the cases under the Sedition Act, was manifestly guilty of such practices. The federal judges whom Adams had appointed under the terms of the Judiciary Law could not be touched; but all other appointments which he had made during the period after he knew he had been defeated for re-election, were anathema to the Republicans.

Jefferson rightly felt that, aside from a few, they had not been made in the regular and ordinary course of administration, but had been intended to pack the federal government with party officeholders against his own entry into office. On these he was adamant. Furthermore, something had to be done for the Republicans who had been excluded from office during the final days of Washington and all through the term of Adams. "They have a reasonable claim to vacancies," he declared, "till they occupy their due share. My hope however," he added, "is that the distinction will be soon lost, or at most that it will be only of republican & monarchist." [28] Thus early, in February, even before taking office, did he announce the famous doctrine that to the victor belongs at least half the spoils.

John Adams, who had ungraciously quit Washington at dawn to avoid seeing his rival installed in office, now, under the stress of personal tragedy, sought to make amends. One of his sons had drowned at sea under mysterious circumstances, and he wrote Jefferson about it. "It is not possible," he said, alluding to the fact that Jefferson had no son, "that any thing of the kind should happen to you, and I sincerely wish you may never experience any thing in any degree resembling it." Massachusetts, he added, "is in a State of perfect Tranquility, and I see nothing to obscure your prospect of a quiet and prosperous Administration, which I heartily wish you." [29]

The olive branch thus held out was seemingly ignored by Jefferson. At least there is no evidence of a reply. And the chance of reconciliation was definitely aborted when Adams's son, young John Quincy Adams, with whom Jefferson had been friendly enough in Europe, was ousted from one of those "midnight" appointments and a good Republican installed in his place. Jefferson was always to avow vigorously that he had not known of it; but Abigail Adams never forgave him for it, and John took many, many years to overcome his sense of wrong.

With grim determination, Jefferson set about the tedious task of weeding out the "midnight" appointments. He carefully defined them as those which had been "made by mr Adams *after* Dec. 12. 1800. when the event of the S. C. election which decided the Presidential election was known

at Washington and until Midnight of Mar. 3. 1801." These were to be "considered as Null." [30]

He drew up several lists of such appointees, dividing them into those who had already received their signed commissions and those who had not. Against each name he placed some personal comment, and the name of his replacement. They were chiefly United States attorneys, marshals, surveyors, collectors, supervisors, port officers and commissioners of loans. John Quincy Adams had come under the last category. Against the name of the United States Attorney in Vermont, for example, Jefferson entered the damning comment that he had been "the oppressor of Lyon," the Vermont Congressman whose trial and conviction under the Sedition Act had been the most notorious of all. Harrison of New York was dismissed as "a revolutionary refugee" or Tory; and the post of Attorney given instead to Edward Livingston, who had done yeoman service for Jefferson during the fateful balloting in Congress. In New Jersey, Jefferson reminded himself to "turn out the Tory collector, an atrocious appointment"; and the Maine marshal was "to be removed by and by, a very violent & influential & industrious fed. put in not very fairly."

The first list which Jefferson drew up after coming into the Presidency ended with the comment: "The above 24. cases are the whole of the removals which have been made in order to give some participation in office to the Republicans, previous to the close of the session of Congress." Another eight had been removed for cause: "malversation," nonattendance to duty, drink, delinquency in accounts, "profligacy" and "brutal & odious deportment generally." [31]

The matter still bothered him in 1803, and he made up a second and retrospective list. From June 5, 1801, until May 10, 1803, he asserted, he had removed only 14 officeholders in order to replace them by deserving Republicans; and 12 of them were for cause, while only two were for being what he called "a revolutionary Tory." [32]

In pursuance of his course, Jefferson sent a general circular to all of the "midnight" appointees:

Sir,

The late President, mr Adams, having not long before his retirement from office, made several appointments to *civil* offices, holden *during the will* of the President, when so restricted in time as not to admit sufficient enquiry & consideration, the present President deems it proper that those appointments should be a subject of reconsideration & further enquiry. He considers it as of palpable justice that the officers who are to begin their course as agents of his administration should be persons on whom he has personal reliance for a faithful execution of his views. You will therefore be pleased to consider the appointment you have received as if never made, of which this early notice is given to prevent any derangements which that appointment might produce.[33]

The Judiciary Act, approved in haste by the outgoing Congress on February 13, 1801, was the great bone that stuck in the Republican craw. For, by adding a substantial number of federal judges to those already established, the Federalists sought to provide a secure refuge for many of their adherents in a department of government that, under the Constitution, might prove an adequate counterbalance to any radical moves by the Republicans in Congress and the Executive. Since such appointments were for life, nothing could be done to dislodge them.

Nothing was calculated to make Jefferson more furious. His eyes were already opened to the power of the Judiciary, and he sought ways and means to blast out this last intrenchment of the Federalists. Adams had filled every last office available, including forty-two Justices of the Peace for five-year terms in the District of Columbia. Many of these, however, had been appointed so late that they had not had time to take their oath of office before Adams's term expired. Even though they had been confirmed by the Senate in a last-minute sweep on March 3rd, their commissions still reposed on the table of the Secretary of State when Jefferson moved in. These he treated as null and void, and thrust them unceremoniously from the public trough. As a result of his direct action, a suit came later before the Supreme Court which gave John Marshall, similarly shifted to the Chief Justiceship in the final moment, a chance to lay down memorable law. Of this famous case of Marbury v. Madison there will be more to say.

In addition, Jefferson bent his best energies to securing a repealer of the Judiciary Act; and he was happy to put his signature to that repealer when it came to his desk on March 8, 1802.

Yet, in spite of these direct actions, and stern circulars, Jefferson was unable to satisfy his own followers. The removals were pitifully few, and the mouths to be fed many and ardent. Jefferson knew that he was offending many of his friends by refusing to make a clean sweep and, as he admitted to his old friend Rush, "that torrent has been pressing me heavily, & will require all my force to bear up against; but my maxim is '*fiat justitia, ruat coelum.*' "[34] This was noble and magnificent, but before the heavens actually fell, Jefferson was forced to reconsider his position.

CHAPTER 48

To the Victor the Spoils

JEFFERSON had barely seated himself in his office when the Republican clamor for the political fleshpots rose to overwhelming proportions. Some importunity came from Delaware, particularly at the seemingly inexplicable retention in office of Allan McLane. How could the faithful be expected to know that Jefferson had assured Congressman Bayard that McLane would not be disturbed? New Jersey similarly resented the fact that so many good Federalists remained snug in their stations. In Pennsylvania, Governor McKean was doing his own house cleaning; but in the process stirred up a factional fight among the victors. New York posed the biggest headache of all; for the Republican party there was split into three irreconcilable groups who hated one another more than they hated the defeated Federalists. These were the Clintonians, the powerful middle group of the Livingstons, and the followers of Burr. Here, for reasons which will be made clear later, Jefferson was determined to yield but little to the pressure for removals, and to favor two of the groups against the third. Only in Connecticut did he consider the local situation to require a general sweep of all Federalists. "Their legislature now sitting are removing every republican even from the commissions of the peace and the lowest offices. There then we will retaliate," he remarked grimly.[1]

The opportunity came very soon. David Austin, the Collector of New Haven, had died in the waning days of Adams's administration. The outgoing President promptly appointed one Elizur Goodrich, a zealous Federalist, in his place. The Republicans called on Jefferson to rectify the injustice; and he obliged by removing Goodrich and replacing him with Samuel Bishop, an equally zealous Republican.

But Bishop was old—seventy-seven, in fact—feeble in mind and body, and possessed of no qualifications for the position that the merchants of New Haven could discern. Whereupon they drafted a Remonstrance, addressed to Jefferson, in which they used strong language about the removal of Goodrich and the elevation of the incompetent Bishop. In the course of their argument, they pointed to the assurances contained in Jefferson's Inaugural that there would be no removals on political grounds alone, and inquired whether those assurances had been meant to be observed.

The New Haven Remonstrance gave Jefferson the opportunity for which he had been eagerly waiting. The soothing phrases of the Inaugural

had, on the one hand, aroused certain Federalist hopes that could not possibly be met; and on the other, created dismay and dissension in the Republican ranks. The whole unfortunate situation was due to a misconception of what he actually meant—at least, so Jefferson now felt—and he welcomed the chance to issue a statement that would set them both right, and placate his own party.[2]

The time, indeed, was almost overripe. Levi Lincoln, his Attorney General, was reporting from Massachusetts that he had found the subject of removals "every where the most common political topic of conversation, connected with that of appointments; vague reports and individual clamours had clothed the subject with many false circumstances, & ascribed to it principles & motives which never existed."[3]

The situation had become so bad, indeed, that Jefferson was compelled to write to Republican leaders in Delaware and Pennsylvania imploring them to stop the bickerings among the rank and file over removals and appointments. "How can federalists coalesce with those," he asked plaintively, "who will not coalesce with each other?"[4]

So that Jefferson's reply to the merchants of New Haven was meant not only for them, but for the country at large. It was at once an interpretation of the Inaugural and a statement of policy for the future.

He seized upon the language of the protest "that a change in the administration must produce a change in the subordinate officers" to make his own point clear. The words of his Inaugural had been misconstrued, he declared, into assurances that there would be no removals. During the previous administration, had not every Republican been excluded from office? "Was it to be imagined that this monopoly of office was still to be continued in the hands of the minority?" Has the majority no right to a proportionate share? And, "if a due participation of office is a matter of right, how are vacancies to be obtained? Those by death are few; by resignation, none. Can any other mode than that of removal be proposed? This is a painful office; but it is made my duty, and I meet it as such." Once, however, a just proportion was obtained, Jefferson would "return with joy to that state of things, when the only questions concerning a candidate shall be, is he honest? Is he capable? Is he faithful to the Constitution?"[5]

Though the Federalists jeered at both the questions Jefferson thus put, and the answers he gave himself, the reply managed to soothe some of the injured feelings of the Republicans, though most would have preferred no nonsense about "due participation" and would have been more happy had the President thrown all "the rascals" out, and divided the spoils solely among the faithful.

In New York, moreover, the tangled situation could not be unwound by mere words. There the scramble for offices exceeded all bounds; and the internecine quarrel had burst into the open.

Aaron Burr felt, with some justice, that his immense contribution to the

ultimate national victory entitled him to a degree of patronage in New York. His position as Vice-President could only add to his claims. He had seen the clan of Livingstons well rewarded—Edward Livingston had been appointed United States District Attorney for New York, and the Chancellor Robert R. Livingston had been given the refusal of the embassy to France and a seat in the Cabinet. Therefore, in conjunction with a group of New York senators and representatives, Burr made up a list which included four of his own followers as well as members of the other factions.[6] On the whole, it was a moderate list; and the candidates whom Burr personally offered were surprisingly few in number.

But Jefferson was by now determined to destroy Burr. He had been thankful enough to him when the results of the New York election were announced; and he had considered Burr's conduct during the first days of the electoral struggle in Congress as "honorable and decisive." [7] Then, as the struggle increased in intensity, he harkened to the inevitable gossip and the rumors, and came finally to the conclusion that Burr's conduct was Machiavellian rather than honorable, and that secretly he was seeking the presidential prize for himself.

He was now saddled with Burr as Vice-President, but he had no intention of increasing his power by granting him patronage rights. He had not consulted Burr in making his Cabinet appointments, and word came to him that Burr had expressed resentment over the slight. Worse, Monroe reported a conversation between Burr and Henry Lee, now one of Jefferson's bitterest enemies. Lee had slyly told Burr that had he "come forward & pursued the views of those who supported him in the House of Representatives [the Federalists] he might have produc'd a different state of things." [8]

The very thought that such an idea, deftly insinuated, might cause Burr to rectify the "error" in the future, made it only the more imperative to cripple his power to do harm. Jefferson had no love for the Clintons—the aging Governor and his young, ambitious and unscrupulous nephew, De Witt Clinton. But they were far less dangerous on the national scene to Jefferson and his Virginia friends than Burr. Accordingly, he sent a copy of Burr's patronage list to Governor Clinton. Objections had been raised to Burr's choices, he wrote, though by whom he did not say. Since he, Jefferson, was not acquainted with the New York candidates and therefore forced to rely on the opinions of others, "there is no one whose opinion would command with me greater respect than yours." Would Clinton advise him accordingly, with the assurance that his information would be treated as confidential? [9]

Clinton was only too happy to oblige; and as a result, Burr found himself in the embarrassing position of not being able to reward his faithful followers, while at the same time noting that the requests of the Clintons and the Livingstons were being honored to the hilt.

One appointment in particular, Burr had set his heart on obtaining—the

post of Supervisor for his personal lieutenant, Matthew L. Davis. He wrote angrily to Albert Gallatin, with whom he was friendly: "Strange reports are here in circulation respecting secret machinations against Davis. . . . The opposition to him, if any, must proceed from improper motives, as no man dare openly avow an opinion hostile to the measure." [10] The curious thing was that the Vice-President of the United States felt compelled to seek an intermediary to gain the ear of the President.

Gallatin did his best; but it was not enough. Davis, sick at long deferment, finally journeyed to Monticello to see Jefferson himself. Gallatin tried to dissuade him; but failing, gave him a letter to present to the vacationing President. The Secretary of Treasury spoke frankly of his disgust with "the general spirit of persecution which, in that State particularly, disgraces our cause and sinks us on a level with our predecessors." [11] For De Witt Clinton, in control of the appointive power, had labored under no such scruples as had actuated Jefferson on the national scene. The Federalists were rooted out ruthlessly, no matter how inoffensive or competent, and their places filled with Clintonians only. Burrites need not apply.

As soon, however, as Davis was on his way, Gallatin wrote another letter to Jefferson that laid bare the whole texture of the treatment accorded to Burr. In remarkably plain language, he demanded to know if it was the intention of the Republicans to support Burr again for the Vice-Presidency at the next election; and to consider him as Jefferson's successor when the latter retired. After a discussion of the possibilities, he shifted to the local situation in New York. He personally disliked supporting the Clintonians and the Livingstons against Burr, who, after all, had the support of the majority of the Republicans. And he warned Jefferson that should Davis be turned down, Burr would consider it a declaration of war.[12]

But Jefferson disregarded his Secretary of Treasury's advice. He knew that through Burr's own error, the Clintons had gained control of the state machinery and had hamstrung Burr's ability to do him harm. He knew also that a leader without patronage was bound to find his followers deserting to those who could take care of their justifiable claims. He never answered Gallatin's private letter—Jefferson always feared the mails. To the public one he merely said: "Mr. Davis is now with me. He has not opened himself. When he does, I shall inform him that nothing is decided nor can be till we get together at Washington." [13] Davis might just as well have saved himself the long and weary pilgrimage to Monticello.

When Burr, in final desperation, addressed himself directly to Jefferson, the latter deigned to answer only the last of three letters. It was chilling in its formality. "These letters all relating to office," declared Jefferson with amazing sangfroid, "fall within the general rule . . . of not answering letters on office specifically, but leaving the answer to be found in what is done or not done on them." [14] It must have been apparent to a duller

wit than Burr's that he had nothing further to expect from Jefferson or from the Republican party as long as he was in control.

One of the major issues of the campaign had been the Alien and Sedition Acts. Kentucky had declared them a nullity, and Virginia had gone almost as far. Several good Republicans were languishing in jail, and the threat of prosecution still hung formidably over the heads of others. It was necessary, therefore, pending Congressional action, for Jefferson to exercise his presidential powers in order to extricate the hapless victims.

The first of these was the notorious Callender. Incarcerated in the Richmond jail, he had bombarded Jefferson with frantic pleas even before the latter's induction into office. His term was shortly up, but he could not quit the jail until a fine of $200 had been paid. Would Jefferson remit the fine? [15]

Confusion arose. Jefferson remitted the unexpired sentence, but *not* the fine, which Callender had in the meantime paid. The liberated editor was furious. He complained to the heavens and to all who would listen that Jefferson had faithfully promised the return of the money. "I now begin to know what Ingratitude is," he cried to Madison, and hinted at reprisals. Did Jefferson pause to reflect "how his numerous and implacable enemies would exult in being masters of this piece of small history?" He demanded a *quid pro quo*—the postmastership of Richmond; and ended with an overt threat: "And surely, sir, many syllogisms cannot be necessary to convince Mr. Jefferson that, putting feelings and principles out of the question, it is not proper for him to create a quarrel with me." [16]

In a measure, Callender was right. Jefferson had promised to remit the fine, and had actually entered a notation to do so in his *Anas*.[17] But something went wrong, and Samuel Smith had written Callender somewhat peremptorily that the fine had *not* been remitted.[18]

Jefferson now made a mistake. Knowing of Callender's threats, he decided to raise privately the amount of the fine, and gave his private secretary, Meriwether Lewis, the sum of $50 to turn over to the disgruntled editor. In his account book he listed it as "charity." [19] Thereby he laid himself open to the implication that he had yielded to blackmail. Callender, who had come to Washington, used exactly that language to Jefferson's emissary. He intimated "that he was in possession of things which he could and would make use of in a certain case: that he received the 50.D. not as a charity but a due, in fact as hush money; that I knew what he expected, viz. a certain office, and more to this effect." When Lewis reported the conversation to Jefferson, the latter determined to break off completely with Callender. He had treated him, he told Monroe somewhat disingenuously, "as a man of genius suffering from persecution, and not as a writer in our politics. It is long since I wished he would cease writing on them, as doing more harm than good." [20] This, of course, does not jibe

with the facts of Jefferson's gifts and subscriptions to Callender's reckless writings during the recent campaign.

Monroe had a sharper eye to the possibilities than his friend. He expressed concern that Jefferson had given the editor any money, and advised that it would be well "to get all letters however unimportant from him. Meriwether Jones [a mutual friend] is or will be by the time this reaches you at Washington. He has that ascendancy over the wretch to make him do what is right, and he will be happy to do it for you. Confide in him without reserve as a man of honor.... Your resolution to terminate all communication with him is wise, yet it will be well to prevent even a serpent doing one an injury." [21]

It has usually been considered that Callender's threats were based merely on an exposure of Jefferson's connection with him politically. But the recent discovery of the so-called "Walker Correspondence" throws a more sinister light on his reference to "a certain case." It is now obvious that what Callender was referring to was no mere political secret, but a private one that touched Jefferson's personal honor to the quick. It is also obvious that Monroe knew something of the matter as well, since his exhortation to Jefferson to confide in Meriwether Jones as "a man of honor" would ordinarily be out of place in mere political matters. And, in fact, Callender made good on his threat eventually, as will be shown in its proper setting.

This interpretation is buttressed by intermediate events in 1802. Callender published in a Richmond paper a purely *political* attack on Jefferson, claiming that he had in fact been in the latter's employ as a writer in penning his scurrilous attacks on Washington and Adams. Jefferson expressed himself as "mortified at the base ingratitude" and its presentation of "human nature in a hideous form." He defended himself against the charge in a series of letters to Monroe; and the latter, with manifest relief, decided that Callender's attack was "a harmless thing" that ought not to be answered, since the answer might give the Federalists reason to believe that there were stronger motives behind Jefferson's "charitable" gifts.[22]

The Federalists, nevertheless, did so suspect; and Callender was to furnish them secretly with the unsavory Walker story to break in the public press with most unfortunate results.

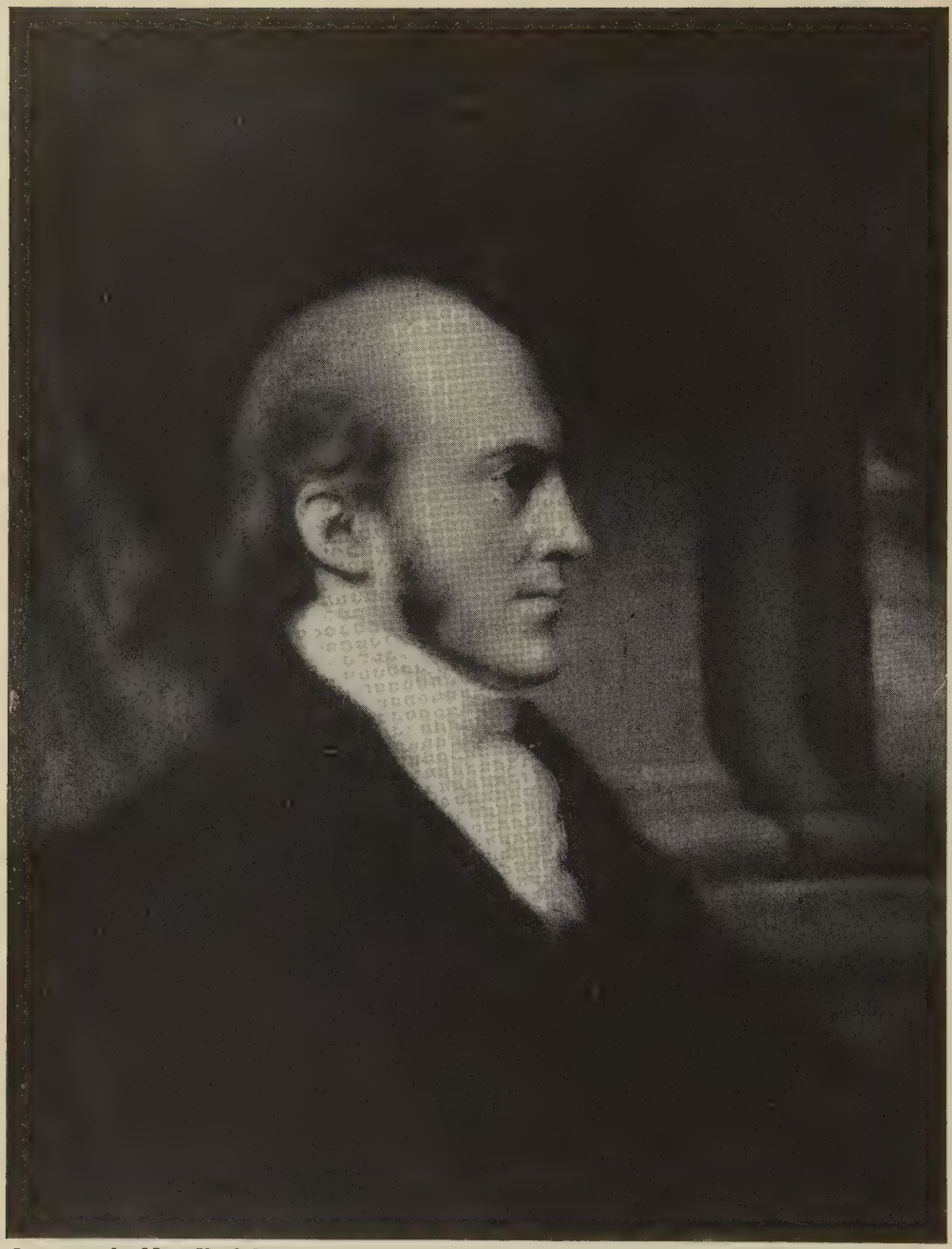
Another Republican editor who had fallen afoul of the Sedition Act and whom Jefferson tried to help proved almost as ungrateful as Callender. This was William Duane, who had taken over the Philadelphia *Aurora* on Bache's death and had promptly been subjected to several indictments and a term in jail for contempt in connection with his attacks on Adams and the Government.

Duane's situation, however, was complicated by the fact that he had been prosecuted not only under the Sedition Act, but by special order of the United States Senate; and Jefferson sought advice on the legal tangle from Robert R. Livingston, the former Chancellor of New York.

Courtesy the New-York Historical Society, New York City

GENERAL JAMES WILKINSON

Mezzotint by Charles W. Peale



Courtesy the New-York Historical Society, New York City

AARON BURR

Painting by John Vanderlyn

Avowing that his own legal knowledge was rusty after thirty years, Jefferson put two questions to him. Under the Constitutional provision of freedom of the press, could the printing of the *truth* be considered a libel, no matter what the common law of England held? Could not the President pardon a Senate contempt conviction, as well as all other offenses with the exception of impeachments? [23]

He had already discontinued all prosecutions against Duane under the Sedition Law, but he hesitated to act in the case of the Senate contempt proceedings; and finally left that to die of its own weight.[24]

Duane, penniless, came to Washington seeking government patronage for a national newspaper he intended to publish but, to his extreme mortification, found the field already pre-empted by Samuel Harrison Smith's *National Intelligencer*. He thereupon set up a clamor to Jefferson of ingratitude, coupled with demands for some office that might compensate him for his trials and tribulations. Jefferson and Gallatin helped him open a printing and stationer's establishment; but the business was not successful, and he later turned on Gallatin, Madison and Monroe, though maintaining an uneasy relationship with Jefferson.

From France also came a call for help. Tom Paine, as only too many other radicals, had found France not the heaven that had been contemplated, and cast longing eyes across the Atlantic. On October 1, 1800, he had written to Jefferson, then Vice-President, wondering if any American frigate might perchance put into a French port which would offer him passage back to the United States.[25]

By the time Jefferson received the request and succeeding letters from Paine, he was already installed as President. He accordingly wrote back cordially that the American warship *Maryland* had been given orders to take Paine on board, if he were ready to sail when the ship did. "I am in hopes," he added, "you will find us returned generally to sentiments worthy of former times. In these it will be your glory to have steadily laboured and with as much effect as any man living." [26]

But the exchange leaked out, and the unreconstructed Federalists promptly raised the cry that Jefferson had sent the warship to France solely to pick up that anarchical atheist, Tom Paine. The hubbub penetrated to France, and Paine decided it was wise to decline; coming over later in more modest fashion and landing in Baltimore on October 30, 1802.[27]

A good many problems faced Jefferson at the beginning of his administration, though fortunately the question of war and peace had been satisfactorily terminated before he took up the duties of his office. There were other great advantages that bespoke optimism for the future. Congress was overwhelmingly Republican in the House, and safely so in the Senate. Though there were schisms in the ranks in New York and Pennsylvania, there was nothing as yet to threaten Jefferson's leadership either on the

national or local scene. He had two staunch and able supporters in the most vital Cabinet positions—State and Treasury; and the Federalists were still routed and disorganized from their recent defeat.

Only the die-hard ministers of New England continued their pulpit attacks against the "atheist" in office, and gloomily, though with a certain joy, prophesied dire and terrible things for a country subject to such a leader. Jefferson returned their hatred with cordial interest. Connecticut seemed their particular locus; and Jefferson, while optimistic that most of New England would eventually turn Republican, thought that Connecticut presented a special case. He told Pierpont Edwards of that state that "the nature of your government being a subordination of the civil to the Ecclesiastical power, I consider it as desperate for long years to come. Their steady habits exclude the advances of information & they seem exactly where they were when they separated from the Saints of Oliver Cromwell. And there your clergy will always keep them if they can. You will follow the bark of liberty only by the help of a tow-rope." [28]

To the English-born Joseph Priestley, now come to the United States, who had similarly felt the stings of the clergy, he sent congratulations on his recovery from a long illness and heartening words. "What an effort, my dear Sir, of bigotry in Politics & Religion have we gone through!" he exclaimed. "The barbarians really flattered themselves they should be able to bring back the times of Vandalism, when ignorance put everything into the hands of power & priestcraft. All advances in science were proscribed as innovations. They pretended to praise and encourage education, but it was to be the education of our ancestors.... This was the real ground of all the attacks on you. Those who live by mystery & *charlatanerie*, fearing you would render them useless by simplifying the Christian philosophy,—the most sublime & benevolent, but most perverted system that ever shone on man,—endeavored to crush your well-earnt & well-deserved fame. But it was the Lilliputians upon Gulliver." [29] Jefferson was thinking of himself as well as Priestley when he penned this exordium.

The libels of the clergy, however, were but pinpricks to some others that were industriously circulated concerning Jefferson. One such roused him to the extremes of indignation. Madison had brought his recent bride, the lively and charming Dolly Madison, to Washington with him. Space was at a premium in the congested quarter around the Capitol, and Jefferson graciously put them up at the President's House until, toward the end of May, they were able to set up housekeeping in a residence outside the town proper. But a rumor spread through Virginia that Jefferson's interest in boarding them had stemmed from an undue familiarity with Dolly. Who it was that circulated the slander is not known, though suspicion might well point to Callender, the source and fount of many a malignant canard for some years to come. Jefferson repelled the base allegation with dignity: "I thought my age & ordinary demeanor would have prevented any suggestions in that form, from the improbability of their obtaining

belief . . ." he wrote his informant. "I believe all the persons concerned are too conscious of innocence to feel the burden." [30]

But dignified silence did not save him from an even more malignant attack; this time openly in the Federalist press. There appeared in *The Portfolio*, supposedly dedicated to literature and belles-lettres, "A SONG, supposed to have been written by the SAGE OF MONTICELLO," to be sung to the tune of Yankee Doodle. Nothing quite so vile was ever to appear in print:

> Of all the damsels on the green,
> On mountain, or in valley,
> A lass so luscious ne'er was seen
> As Monticellian Sally.
>
> Yankee doodle, who's the noodle?
> What wife were half so handy?
> To breed a flock, of slaves for stock,
> A blackamoor's the dandy. . . .
>
> When press'd by load of state affairs,
> I seek to sport and dally,
> The sweetest solace of my cares
> Is in the lap of Sally.
>
> Yankee doodle, (etc.) . . .
>
> What though she by the glands secretes;
> Must I stand shil-I-shall-I?
> Tuck'd up between a pair of sheets
> There's no perfume like Sally.
>
> Yankee doodle, (etc.) [31]

Albert Gallatin was the first member of the Cabinet to start on his duties, though from a distance. On March 14, 1801, from Philadelphia, Gallatin sent his chief what he called some rough sketches of the financial situation. He was well qualified for the office, having been the brains of the Republican party in Congress in the interminable struggles with Hamilton. His survey of the situation, however, paid unwilling homage to the financial structure of that great antagonist. For he estimated, though with some reservations, that the fiscal year would show a net surplus of $2,000,000 that could be applied to the reduction of the public debt. Since the Republican party, however, had made a campaign issue of the repeal of the internal duties, such as the excise on whisky, he proposed substantial cuts in the army and navy to meet the loss of revenue involved.[32] Thereby several Republican birds would be killed with one shot—the unpopular excise could safely be abolished, the Federalist navy (in spite of Jefferson's alleged pledge to Bayard) reduced, and government expenditures cut. It is noteworthy, though, that in spite of their major thesis that the Bank of

the United States was unconstitutional and a monarchical haven, nothing was suggested by Gallatin or proposed by Jefferson to hamstring its powers or curtail its functions.

Jefferson agreed with Gallatin on all points, particularly that the navy must be reduced in size; though Benjamin Stoddert, the holdover in the Navy Department, was understandably not happy over the prospect. He ordered all of the naval vessels sold with the exception of the thirteen frigates established by Congressional enactment, and therefore temporarily at least untouchable. Seven of these he had brought to Washington, to be laid up in what modern parlance would call "mothballs." The expense of the fleet would thereby, he estimated, be reduced to about half a million annually; and he expected that sum to be met for 1801 by the proceeds from those that were to be sold.[33]

He did this in spite of the fact that Europe was still engaged in a desperate struggle, and that insults and prohibitions on American commerce continued. Nor did the fact that he had once insisted that a strong navy was the only hope for forcing the belligerent powers to treat the United States with respect disconcert him in the least. He had swung around once more to a wholly isolationist standpoint, and a retreat behind that Chinese wall he had once envisaged. Even when Dr. George Logan, who had made the journey to the French, now proposed our joining in an armed confederacy to repel interferences with commerce, Jefferson chided him for his "heresy." While agreeing in principle on "the necessity of restoring freedom to the ocean," he declared that "it ought to be the very first object of our pursuits to have nothing to do with the European interests and politics. Let them be free or slaves at will, navigators or agricultural, swallowed into one government or divided into a thousand, we have nothing to fear from them in any form. Our commerce," he added almost as an afterthought, "is so valuable to them that they will be glad to purchase it when the only price we ask is to do us justice." [34] Now that the Republicans were in power, he no longer feared that a failure of French arms in Europe would imperil the democratic experiment in America. And by this time he had lost his stubborn belief that the French Revolution meant the enfranchisement of all mankind. The image of Napoleon Bonaparte did not lend itself readily to the idea.

The subject of economy in government had become an overmastering passion with him. He looked everywhere for methods of reducing expense. "We are about to dismiss all the Marines," he told Thomas Mann Randolph, "except a number sufficient for the half dozen ships which Congress obliged us to keep armed; though three of them would have been quite enough. The summer will be pretty closely employed in procuring the information necessary to enable Congress to reduce the Government to a reasonable scale of expence. We are hunting out & abolishing multitudes of useless offices, striking off jobs &c &c. Never were such scenes of favoritism, dissipation of treasure, and disregard of legal appropriations seen.

Provided they [the previous administration] did not spend more than all the appropriations amounted to, they overspent some & neglected others without regard to the legislative will." [35]

Yet, while thus in effect reducing the navy to utter helplessness, he raged against the Barbary pirates and the British admiralty courts in confiscating American ships. "I am an enemy to all these douceurs, tributes & humiliations . . ." he exclaimed to Madison. "I know that nothing will stop the eternal increase of demands from these pirates but the presence of an armed force, and it will be more economical & more honorable to use the same means at once for suppressing their insolencies."

Similarly, he wanted a factual basis for "the enormities" of the British admiralty courts. "I am persuaded it must be the ground work of a demand on our part of stipulations from that country entirely novel in their nature, and which nothing but the disgrace of their proceedings can extort from them. But they are indispensably necessary for us. We are surely never more to submit to such ruinous degradations again." [36] Just how Jefferson expected to exert armed pressure on the Barbary Powers and force Great Britain to yield, when he had practically done away with the navy and the marine corps, he did not say.

Gallatin was busy reorganizing the Treasury Department in the interests of economy and centralization of power. He was particularly incensed at the laxity of the collectors of the internal revenue, and proposed a tightening of supervision over them. He also drafted a circular letter to the collectors, informing them that while appointments in the future would be made solely on the basis of merit, nevertheless they must not use their official positions to restrain or influence the political beliefs of others.[37]

Jefferson wholeheartedly approved of the proposed circular; in fact, he had intended to issue a proclamation to that effect, but Madison and he had finally agreed to hold it back until the public had had a chance to digest his reply to the New Haven remonstrants.[38]

Yet he and Gallatin did not quite see eye to eye on the root question of appointments. Gallatin advised caution, and hoped that only a few more removals were to be made.[39] Jefferson evaded this point, insisting that "we must be inflexible against appointing federalists till there be a due portion of republicans introduced into office. It gives just offence to those who have been excluded heretofore, to be still excluded by those who have been brought in to convert the system." While his New Haven letter gave mortal offense to the "Monarchical federalists," he was not worried about their reaction. He did fear, however, that it had raised unjustified hopes among "the *Sweeping* republicans." He hoped, nevertheless, that he would be able to placate them. While gathering "all the republican federalists possible" into the fold, "we must not, even for this object," he added significantly, "absolutely revolt our tried friends. It would be a poor maneuvre to exchange them now for new converts." [40]

But if both Jefferson and Gallatin wished to proceed cautiously, John

Taylor of Caroline, the great agrarian theorist, foresaw a revolution that would be radical and thoroughgoing. In rapturous, if rather vague language, he voiced his anticipation of great things from Jefferson; but at the same time tendered an unmistakable warning if the President did not live up to expectations.

"You are warm for some constitutional reform," he wrote the sceptical Wilson Cary Nicholas, "and yet you ask me, what can Mr. Jefferson do towards it? What can he not do? Has he complained of the power of the executive, in weak and passionate hands, to do evil; & can he deny its power, guided by consummate talents, to do good? . . . How often has Mr. J. contemplated in raptures the idea of a patriot king! Let him realize that idea, and not utterly astound the philosophers of the world, by the sight of the head of their body, at the head of a great nation, without doing any thing material for human happiness." [41]

But this vision of Taylor's has a family resemblance to Plato's philosopher-king, with all its authoritarian implications. Certainly it did not follow the usual republican doctrine of a weak executive, hedged with limitations; nor does his reference to Jefferson's "raptures" over the idea of a "patriot king" find confirmation anywhere else in the vast body of Jefferson's writings. It sounds more like the figment of Taylor's own superheated imagination.

CHAPTER 49

Making Haste Slowly

IT was May, 1801, before the roster of Jefferson's Cabinet was complete and in good working order. He made one more major appointment, outside the Cabinet—Gideon Granger of Connecticut as Postmaster General. Granger was very much the politician, and knew the New England situation thoroughly. He made many trips through the eastern states and consistently reported to Jefferson on men, personalities and political conditions. The idea that there is some inherent connection between carrying the mails and the management of political campaigns seems to be of ancient vintage.

It was Gallatin's special province to take care of financial affairs, and such was the recognition of his knowledge and skill in this difficult department that none of the others ventured suggestions to him on anything but leading principles. Foreign affairs, however, even though Madison was the titular head, was considered the department of government in which everyone had sufficient knowledge for his opinion to matter. Jefferson followed Washington's course in the handling of his Cabinet—he would lay before its members questions in writing for them to answer; and he sought as much as possible to follow the majority decision.

One of the first matters that engaged his attention in the foreign field was the renewed piratical activities of the Bashaw of Tripoli. He had strong and definite ideas on the proper method of treating with the Barbary Powers. Whatever caution he exercised in dealing with other Powers, this was one group against whom he advocated the most abrupt and forcible measures.

On May 15, 1801, he posed two questions to the newly assembled Cabinet: "Shall the squadron now at Norfolk be ordered to cruise in the Mediterranean?" and "What shall be the object of the cruise?" The very tenor of the questions indicated precisely what answers Jefferson expected.

While all agreed that the cruise should be made and that it would be manifestly directed against Tripoli, there was some divergence of opinion as to what the exact function of the belligerent gesture ought to be. Levi Lincoln thought the warships should be used to repel attacks on American shipping, but not to take the offensive. Gallatin agreed, hewing to the constitutional line that any other course would constitute war, which only Congress had the power to declare. Dearborn and Madison demanded that the purpose of the voyage be openly declared to the nation and the world

—the protection of our commerce with whatever force required to effectuate it.[1]

Accordingly, Madison wrote to William Eaton, the American Consul at Tunis, to apprise him of the course on which the government had determined. Three frigates and a sloop of war were sailing to the Mediterranean, under the command of Commodore Dale. If, by the time they arrived, Tripoli had already commenced hostilities, the squadron would go immediately into action to protect American commerce. Should Tunis and Algiers join Tripoli in depredations, their piratical craft were equally to be repelled and punished. "The present moment," Madison concluded, "is peculiarly favorable for the experiment, not only as it is a provision against an immediate danger, but as we are now at peace and amity with all the rest of the world, and as the force employed would, if at home, be at nearly the same expense, with less advantage to our mariners." [2]

The tiny squadron sailed on June 1st to reinforce the few ships already cruising the troubled waters. Jefferson was resolved that the piratical states must be confronted boldly. Tripoli, with whom the United States had a treaty, was now pretending that the money it had received had been merely for *making* peace at the time; it demanded more for *keeping* it. Algiers had a more legitimate claim. Under its treaty, we had engaged to pay them $30,000 a year. But the tribute was three years in arrears, and Jefferson, though convinced that "it is money thrown away," reluctantly obeyed the mandate of the law by sending one year's tribute in cash and one more in an equivalent amount of goods. "There is no end to the demand of these powers," he asserted angrily, "nor any security in their promises." He wanted Congress to decide as soon as possible on a course of action: whether to abandon the Mediterranean altogether, or to rotate cruises of fleets with other interested powers in those waters to put a stop to all depredations.[3] He would have much preferred the latter course, though how he was going to obtain concerted action from the European nations, in view of all his former unsuccessful attempts in that direction, is another matter.

Surprisingly enough, the little squadron of American vessels managed to do an effective job, and actually captured a Tripolitan cruiser in the process; but was compelled to release it because, as Jefferson later put it, Congress had not officially proclaimed a state of war.

Madison had made the statement in his letter to Eaton that we were "at peace and amity with all the rest of the world." This was not quite true; at peace we were, but not at amity.

At a time when Jefferson was cutting our diplomatic establishment abroad to the bone—in conformity with pre-election campaign promises —and discontinuing American representation in Holland, Portugal and Prussia, our relations with Great Britain, France and Spain followed the old monotonous routine. The same problems that had vexed the administra-

tions of Washington and Adams were inherited by Jefferson. If open war was no longer directly in the offing, certainly the same materials that had threatened to touch it off in the past were still present.

With Spain there were the old questions of the navigation of the Mississippi and the acquisition of a port at its mouth, exacerbated by the more recent use of her ports by French privateers who sallied forth to raid American shipping and brought the captured vessels back for condemnation and sale.

But a new note now appeared in this ancient picture, though as yet only, so far as the United States was concerned, in the initial stage of rumor. Reports filtered through to Jefferson that a deal was pending, or had already been consummated, between Spain and France whereby some part of the Spanish possessions in America, including New Orleans and the mouth of the Mississippi, was to be transferred to France.[4] If this were so, it must be of the utmost importance to the United States, which had long looked with considerable apprehension on the possibility that, instead of a weak Spain, she might have a more powerful France or England directly on her western and southern borders.

Neither Jefferson nor Madison was as yet aware of the full picture, nor of the vast and incredible cession that was already in its final stages. As far back as 1798, in the arrogant heyday of the Directory, Talleyrand sought to recapture the old dominion of Louisiana, which France had ceded to Spain in 1763 as compensation for her losses to victorious England in the war just ended. "There are," he then remarked, "no other means of putting an end to the ambition of the Americans than that of shutting them up within the limits which Nature seems to have traced for them; but Spain is not in a condition to do this great work alone. She cannot, therefore, hasten too quickly to engage the aid of a preponderating Power, yielding to it a small part of her immense domains in order to preserve the rest." [5] It was only natural, of course, that Talleyrand should propose France as the sacrificial assumer of this white man's burden.

He failed in his great scheme at the moment; but one more powerful than he was now ready to take up the good work again—Napoleon Bonaparte.

The vague rumors of impending events made Jefferson uneasy. Besides alerting our representatives abroad, he confidentially advised William C. C. Claiborne, the newly appointed Governor of the Mississippi Territory, to be especially accommodating and even affectionate to the Spanish authorities in the adjacent Spanish possessions. It was best for our interests, he stated, that Spain continue to hold that country rather than France.[6]

But more immediate problems required attention. The mighty world struggle between Napoleonic France and England, flanked by her allies, was at its peak. As a neutral nation, the United States was being slowly ground between them. Barely was one issue determined, when another would rise to harry Jefferson and his Cabinet.

Jefferson, however, was spending the summer at Monticello; and had to

handle the most delicate matters from that distant and secluded spot. Each year he fled the "two bilious months" of August and September from Washington, and he retorted to any possible grumbling over his absences by pointing to Adams's *eight* months of annual vacation.[7]

He had a measure of justification for his summer absences. The climate or waters of tidewater Washington had upset his system, and he suffered from a debilitating diarrhea that was to plague him for several years. Dr. Rush later prescribed for him on the basis of Jefferson's description of his symptoms. One item in the recommended treatment is of particular interest. Jefferson had made a practice of washing his feet in cold water every morning—no mention is made of other parts of the body; and Rush thought he was now too old for such Spartan measures, and suggested warm water instead.[8]

A treaty with France had been pending for some time which attempted to settle the matters of dispute between the two nations; notably on the question of neutral rights. But the undue delays of the French in ratifying led Jefferson to suspect that perhaps they wanted to obtain in it an express renunciation of the American demand for indemnities for the prior confiscation of her ships and cargoes.

William Vans Murray, a holdover from Adams's administration, was handling the negotiations. But Jefferson decided to replace him, and offered the post of Minister to France to Robert R. Livingston. The unexpected delay in ratification made Jefferson all the more anxious to send Livingston off at once, with detailed instructions.[9] He even thought that it might be better to let the proposed treaty lapse altogether. Such a consummation, he remarked, "will only begin the work of placing us clear of treaty with all nations."[10]

Jefferson never changed his original opinion that the ideal for the United States was to isolate herself from the rest of the world and steer clear of any treaties that might somehow involve her in European affairs. He stated his views on the future of the United States very forcibly to William Short. "Peace," he averred, "is our most important interest, and a recovery from debt. We feel ourselves strong, & daily growing stronger." The population of the country was increasing rapidly; and "if we can delay but for a few years the necessity of vindicating the laws of nature on the ocean, we shall be more sure of doing it with effect. The day is within my time as well as yours, when we may say by what laws other nations shall treat us on the sea. And we will say it. In the meantime, we wish to let every treaty drop off without renewal."[11]

There were two important questions to be considered in the meantime. One related to the old problem of admitting foreign prizes into American ports. The question was much simpler than it had been in Washington's administration, when the French treaty complicated matters and Genêt added to the complications. Robert Smith, who had taken over the Navy

from his brother, to whom Jefferson posed the question, agreed with his analysis of the situation. "I consider," wrote the President, "that we are free to recieve, or to refuse the prizes of both nations, & that our best policy will be to reject both: treating them with exact equality." [12]

But Gallatin interposed an unexpected objection to the second part of the thesis. "I do not understand," he wrote his chief with some asperity, "on what ground you think that we are free to exclude the prizes of both French & English. That it is our policy cannot be doubted; but it seems to me that we are prevented from pursuing it by our treaties with both nations." [13]

Jefferson patiently sent him a historical discussion of the doctrine he advocated. The treaties, he said, gave both nations the right to enter our ports with their prizes for limited purposes only, and to depart as speedily as possible *with* the prizes. Before the treaty with England, France had been permitted to sell her prizes in American ports as a favor, not as a right. Now, we were free even of that favor; and we ought to bar both in order "to throw difficulties in the way of the depredations committed on commerce, & chiefly our own commerce." [14] It cannot be said that Gallatin was satisfied with this explanation, but as a loyal subordinate he submitted to the President's judgment.

Livingston was scheduled to sail on the warship *Boston* as soon as it could be outfitted for departure. Jefferson drafted for him a careful set of instructions, of which his original memoranda display the texture of his thought with greater clarity than the final document. "When two nations chuse to go to war," he declared, "it should in no wise affect those who remain in the ordinary relations of social & moral intercourse with them & with one another. The rights then of commerce & navigation remain unaltered by the war of others." What were these rights of neutrals? "That a nation may avail itself of an opportunity of enlarging its commerce at all times, whether that opportunity occurs while others are at war, or in peace. That nothing is contraband in war more than in peace. That of course there can be no right of search. That free bottoms make free goods, because the bottom cannot be searched." It was time, he insisted, that prior usurpations of these fundamental neutral rights by strong naval nations be brought to an end; and it was time for neutrals to turn their attention to "first principles" and "of establishing the true principles which ought to have been at first established, & would have been, but for the accidental history of the times." [15]

This was strong meat; which Jefferson had to tone down considerably in his final instructions. There he admitted the right of blockade, as standing on a different ground, and fleshed the bare bones of his "principles" with conciliatory language. He expressly avowed that they were not worth going to war for in the present state of things, nor that war was the best method of enforcing them. What he cautiously pointed to were "those peaceable coercions which are in the power of every nation, if undertaken

in concert & in time of peace." In other words, let Livingston seek the aid of other neutrals in imposing possible future retaliations and embargoes on those who would refuse to subscribe to such a convention on neutral rights; but the concert must only go into effect after the current war was over.[16]

Somewhat earlier, Madison had instructed Charles Pinckney, the newly appointed Minister to Spain, to take up the question of French spoliations from Spanish bases, and to propose a joint international tribunal to investigate American claims for damages.[17]

These were mounting to tremendous proportions. All through the latter part of 1801, the State Department was flooded with memorials from American merchants, chambers of commerce and insurance companies protesting Spanish and French seizures of American shipping. By the time Jefferson finally placed the whole mass before Congress on April 20, 1802, there were verified figures of 174 ships seized by the French and 118 by the Spaniards since October 1, 1796, with losses ranging in the many millions.[18]

It was during this critical juncture that the Cabinet agreed to reduce the number of navy captains from fifteen to nine, and proposed the sale of those American galleys which had survived the first slash in armament.[19]

Jefferson found life in Washington rather lonely. It can not be said that there was much society there as yet—many of the Congressmen preferred to leave their wives at home rather than submit them to the rawness and rigors of the new capital. And the President was essentially a family man.

During the few weeks that Dolly Madison stayed at the President's House, that barnlike cavity held a certain warmth and gaiety; but when she departed with her husband to more permanent quarters, Jefferson and his secretary, Meriwether Lewis, felt lugubriously like "two mice in a church." During Dolly's short sojourn, some of the official ladies had tentatively come to dinner, but with her passage, the situation became awkward again. He hoped that either of his daughters might be able to come to Washington and act the hostess; but they had husbands, children and cares of their own. For the while it was impossible.[20]

The diarrhea he had caught almost immediately from the waters of Washington and which remained with him for several years, so weakened and debilitated him that, by the end of the year, he sincerely believed he had not much longer to live.[21] In spite of his secret fear, however, he held to a Spartan regimen in his duties, spending from ten to thirteen hours a day at his desk, and allowing himself a bare four hours a day for riding, dining and "a little unbending."[22]

His interest in methods of combating the smallpox continued unabated. When he heard from a Dr. Benjamin Waterhouse of Boston that a new process was being experimented with—inoculation with smallpox matter taken directly from human patients afflicted with the disease, his scientific curiosity was instantly aroused. A long correspondence ensued; and Water-

house sent him batches of the material under the crudest and most difficult of conditions. Jefferson in turn forwarded the pustulant mass to Monticello for use, first on his own people, then for distribution to doctors for inoculations throughout Virginia. As reports came to him, he forwarded them to Waterhouse; finally, after some disheartening failures, being able to announce that it seemed to be a success.[23] Jefferson did more than any layman, and more than most doctors, to ensure the final success and wide acceptance of vaccination.

But if his interest continued thus unwearied in all matters scientific, the same could not be said for leisured communings with the aesthetic. To a hopeful poet who sent him a copy of his epic, he professed his present state: "Of all men living I am the last who should undertake to decide as to the merits of poetry. In earlier life I was fond of it, and easily pleased. But as age and cares advanced the powers of fancy have declined.... So much has my relish for poetry deserted me that at present I cannot read even Virgil with pleasure.... The very feelings to which it is addressed are among those I have lost." [24]

His love of horseflesh, however, remained. He was unable to resist the sight of fine, spirited animals, and considered the price, no matter how high, as justified. He purchased also, for his use in Washington, a "new plain, well-furnished Chariot, with plated Harness for 4 Horses, and 2 postillion Saddles" for the modest sum of $1,200, and expressed himself as well satisfied with his bargain.[25]

It might have seemed that, with his new presidential salary of $25,000 a year, he ought for the first time in his life to make ends meet. But such a happy condition was impossible for Jefferson. Whatever his income, he managed to spend more. His private accounts in Washington alone, chiefly on credit through the merchant John Barnes, disclose amazing sums slipping through his fingers. For the six-month period from May to November, 1801, his expenses amounted to $8515.20; not including a wine bill for a cellar laid down the preceding April, with some sundries, in the amount of $957.58.[26] And this was at a time when his dinner parties, for which he became famous, were as yet few and far between.

Yet he firmly believed in simplicity and complete absence of ostentation. He considered the system of "levees" or morning receptions which Washington had instituted and Adams continued, as mere mimicries of European courts. When he entered the Presidency, diplomats and Congressmen assumed that the custom would be kept up; but Jefferson significantly hinted to the contrary by arising early on the mornings usually set aside for levees and going out riding. He would return at a late hour and, with the utmost politeness, ask the disconcerted guests who had milled around waiting for him, to stay for dinner. The dinners, however, were substantial; and a splendid array of pies, puffs, preserves and custards would cover the table, while excellent French wines were served. He stressed moderation in drinking, and seldom took more than one or two glasses after the meal.[27]

Jefferson was well satisfied with the course of events as 1801 gradually waned. On the domestic scene, the initial flurry of protests over his policy of removals from and appointments to office—both from Federalists and Republicans—was slowly abating. He had organized his Cabinet into a fairly efficient machine, and reinstituted the procedures which had been followed during Washington's administration and which he claimed had been ignored by Adams. Any letters addressed to department heads that required an answer were to be forwarded to the President, with the proposed answer. If he believed the answer should be modified, he indicated it by an appended note. If an important doubt arose, the question was submitted to a conference of the Cabinet. Thereby, declared Jefferson, Washington had been able to know exactly what was going on, formed "a central point," preserved amity among the departments, and assumed final responsibility for all decisions. He, Jefferson, intended to do the same.[28] The procedure was sensible; one wonders, though, how Jefferson could aver with a straight face that there had been amity in the halcyon days of Washington.

The autumn elections, also, proved eminently satisfying. The Republicans won sweeping victories everywhere, invading even some hitherto sacrosanct Federalist strongholds in New England. The Congress was heavily Republican, with the Federalists weak, disgruntled and unable to exercise any really effective opposition. Even in the inner sanctum of the Senate, the Republican majority was sufficiently safe. Jefferson was delighted. His soothing policies, as exemplified in his Inaugural Address, had paid excellent dividends in spite of the sneers and headshakings at the time. There might be some little ill temper from the recalcitrant and mortified minority, he admitted, and the die-hard Federalist press continued to season its invectives from the "pepper pots"; but, if only he would be permitted to make the removals demanded by the Republicans at a gradual pace and thereby not alarm "the well meaning citizens who are coming over to us in a steady [stream?]," he expected soon to consolidate the nation completely, "excepting always the Royalists & Priests." [29]

To effectuate this great aim, and to oppose the "phalanx" of Federalist hard core, he sought a similar phalanx of Republicans, collected in a mass around the Administration and comprising "all the abilities, & the respectability to which the offices exercised here can give employ." Good principles, he insisted, "wisely & honestly administered cannot fail to attach our fellow citizens to the order of things which we espouse." [30]

The one fly in the ointment was this ever-present matter of office seekers. Jefferson was confronted with a dilemma. He wished to placate the moderate Federalists by making no removals except for cause; and when he did, he hoped by not making new appointments except in essential positions, eventually to reduce the total of government positions by a full half. Economy was his talisman, and he felt nothing but contempt for most officeholders. They were, he said frankly, chiefly people who had trouble

in making a living in private life and sought relief at government expense. But he hoped, by abolishing useless offices and thereby affording a means of reducing taxes, that these misfits would be able to find private employment "from services rendered to others." [31]

Gallatin thoroughly agreed with him on the necessity of reducing taxes. "If this Administration shall not reduce taxes," he warned, "they never will be permanently reduced. To strike at the root of the evil and avert the danger of increasing taxes, encroaching government, temptations to offensive wars, &c., nothing can be more effectual than a repeal of *all* internal taxes, but let them all go, and not one remain on which sister taxes may be hereafter engrafted. I agree with you fully," he told Jefferson, "that pretended tax-preparations, treasury-preparations, and army-preparations against contingent wars tend only to encourage wars." [32]

Even abroad, the skies seemed to have cleared. The war-weary nations had made an uneasy peace, which was in fact only to be an armed truce. But Jefferson was thankful for the respite. It was, he wrote joyfully, "the most fortunate thing which could have happened to place the present administration on advantageous ground. The only rock we feared was war: and it did not depend on ourselves but others whether we should keep out of it. We hope Great Britain will have so much to do at home that she will not have time to intrigue and plot against this country." [33]

If the matter of Aaron Burr, Vice-President of the United States, still was a sore spot, it had not as yet grown to the ominous proportions it did later. Its present quiescence was no fault, however, of the Clintonians in New York. They did their best to irritate the sore, and demanded of Jefferson that he eliminate their hated rival completely. James Cheetham, their editor-henchman, kept sending Jefferson long, confused and wholly garbled accounts of Burr's former activities in seeking to supplant him in the Presidency, which Jefferson silently filed for future reference and reprisal.[34]

The time was now approaching when Congress would meet in session, and a Presidential Message to the assembled lawmakers was indicated. Jefferson started his draft early in November, and sent copies around to his Cabinet officers for suggestions, revisions and additions. Both Washington and Adams had delivered their addresses in person, but Jefferson had made such a fiasco of his Inaugural—when no one could hear him—that he was determined to break with precedent and submit a written message to be read by the Clerk.

He did not place the change in procedure on its true ground, however. He officially informed the Senate that he was doing it principally out of "regard to the convenience of the Legislature, to the economy of their time, to their relief from the embarrassment of immediate answers, on subjects not yet fully before them, and to the benefits thence resulting to the public affairs." [35]

This was amplified somewhat in a private explanation to his friend, Dr.

Rush. There he claimed that he had "prevented the bloody conflict to which the making of an answer would have committed them. They consequently were able to set into real business at once." [36]

Whatever his reason, he thus set a tradition which was to continue for more than a century, until Woodrow Wilson broke it by appearing once again in the halls of Congress. The Federalists could be depended on to sneer at the innovation and to speculate on its real reason. The arch-Federalist *Gazette of the United States* jeered that perhaps the President was unable to keep track of his own policies and feared to be caught tripping if he appeared in person. It also reacted violently to his use of what it called "the French style of address" when Jefferson referred to his auditors as "Fellow Citizens." This, the newspaper considered, was mere leveling and an appeal to the mob. Were not the Federalists "Gentlemen" and should they not be addressed as such? Let the Republicans be called "Citizens," but not the Federalists.[37]

Several important things are to be noted in the Message as originally drafted, and as it was finally delivered. The intent of the annual message was to review the accomplishments of the preceding year, and to present to Congress a program and recommendations for its consideration as to the future.

But Jefferson had learned a lesson from the results of his Inaugural. The more soothing and noncontroversial the substance, the greater the chance for harmony and the blunting of the opposition fangs. In his first draft he almost forgot this important principle, and inserted a long passage on the Sedition Act. After much meditation and consultation with his advisers, he struck it out, and commented on the margin of the draft: "This whole paragraph was omitted as capable of being chicaned, and furnishing something to the opposition to make a handle of. It was thought better that the message should be clear of everything which the public might be made to misunderstand."

Yet so important is this censored passage for an understanding of Jefferson's own thought and philosophy of government that it must be considered in detail.

> Our country has thought proper [he wrote] to distribute the powers of its government among three equal & independent authorities, constituting each a check on one or both of the others, in all attempts to impair its constitution. To make each an effectual check, it must have a right in cases which arise within the line of its proper functions, where, equally with the others, it acts in the last resort & without appeal, to decide on the validity of an act according to its own judgment, & uncontrouled by the opinions of any other department. We have accordingly, in more than one instance, seen the opinions of different departments in opposition to each other, & no ill ensue. The constitution moreover, as a further security for itself, against violation even by a concurrence of all the departments, has provided for its own reintegration by a change of the persons exercising the functions of those departments. Suc-

ceeding functionaries have the same right to judge of the conformity or non-conformity of an act within the constitution, as their predecessors who past it.

Realizing that this doctrine might lead to a perpetual uneasiness in the law, Jefferson qualified it with the admission that long usage, and ratification by repeated officeholders and elections "would so strengthen a construction as to render highly responsible a departure from it."

On his accession to the Presidency, he had received petitions claiming protection against the operation of the Sedition Act. "Called on by the position in which the nation had placed me, to exercise in their behalf my free & independent judgment," Jefferson examined the Act carefully, and now declared "that I hold that act to be in palpable & unqualified contradiction to the constitution. Considering it then as a nullity, I have relieved from oppression under it those of my fellow citizens who were within the reach of the functions confided to me. In recalling our footsteps within the limits of the Constitution, I have been actuated by a zealous devotion to that instrument. It is the ligament which binds us into one nation. It is, to the national government, the law of its existence, with which it began, and with which it is to end." [38]

This Jeffersonian doctrine held implications, not all of which he realized. In effect, it set up *four* constitutional censors. The first, Congress itself, could only act by refusing to pass a law. Once that was done, the other three—the President, the Supreme Court, and the state legislatures, might consider the law as null and void. Of these three, the Supreme Court held the weakest position, for *its* nullification could only be put into effect by the positive action of the other two. It was therefore in the President on the national scene, and in the state legislatures within their own boundaries, that true censorship on Constitutional grounds resided. What happened then to Jefferson's theory of *equal* departments? And what happened to the stability of the laws in the case of conflicting opinions—a moot case which Jefferson himself realized and tried lamely to answer?

Jefferson sent the completed draft, minus this all-important section, to Madison, Gallatin and others. From Madison he asked "serious revisal, not only as to matter" but to grammar. As to the latter, he had become sensitive of criticism, particularly since the Federalist press had sneered at the construction of his Inaugural and, in one instance at least, had gone back to the Declaration of Independence to tear it apart.[39] As long as the sense was not changed, he advised Madison, "it should be attended to in complaisance to the purists of New England, but where by small grammatical negligences, the energy of an idea is condensed, or a word stand for a sentence, I hold grammatical rigor in contempt." [40]

It was Gallatin, however, rather than Madison, who gave the document a thorough going over. He sent a detailed list of corrections and amendments, chiefly in his own department of finance. One item, in particular,

he was anxious to have added—a recommendation to Congress to guard against misapplications of public monies by making only specific appropriations for specific purposes, where practicable, and to limit discretionary powers in public officials in the administration of such funds. He wanted no further shifts of moneys from their original purpose to other purposes as had obtained in the previous administrations.[41]

After all the soul-searching and careful preparation, the actual Message, as finally delivered, proved to be a most innocuous document. Jefferson devoted but little space to foreign affairs, and that little presented nothing but pious platitudes. He was gratified, he wrote, to be "able to announce to them . . . that the wars and troubles which have for so many years afflicted our sister nations have at length come to an end." He was especially thankful that the United States had been spared the horrors of war, and that "a cessation of the irregularities which had affected the commerce of neutral nations, and of the irritations and injuries produced by them," would afford an opportunity of reviewing the wrongs done and of obtaining indemnities for the past.

With this cavalier dismissal of foreign affairs, he turned to a consideration of the Indians, where also everything was peaceful. He noted with approval the shift in the Indian economy from a hunting and fishing existence to one based on farming and the household arts.

There was only one unfortunate exception, however, to this blessed condition of peace, and that was Tripoli. He spoke of their insolent demands, and of the squadron he had sent to the Mediterranean; for defense only, he hastened to add, since Congress had never declared war. Since that important function was "confided by the Constitution to the Legislature exclusively," he said primly, he left it to them to decide whether or not the "defensive" war should be changed to one of offense.

He next turned, and with more enthusiasm, to a consideration of the population statistics as disclosed by the recent census. The rate of increase, he was happy to report, promised the doubling of the population within twenty-two years. "We contemplate this rapid growth," he said, "and the prospect it holds up to us, not with a view to the injuries it may enable us to do to others in some future day, but to the settlement of the extensive country still remaining vacant within our limits, to the multiplications of men susceptible of happiness, educated in the love of order, habituated to self-government, and valuing its blessings above all price."

If this was somewhat over the heads of the people for whom it was intended, Jefferson promptly brought it down to earth again by declaring that, as a result, "we may now safely dispense with all the internal taxes, comprehending excise, stamps, auctions, licenses, carriages, and refined sugars," as well as postage on newspapers. This, of course, completely overthrew the Hamiltonian system, justified the Whisky Rebellion and turned those potent sources of income over to the treasuries of the states.

Obviously, with this curtailment of the national income, the expenses of

government, including the army and navy, required drastic revision. Harking back to his fundamental thesis that the federal government was charged only with foreign relations and the mutual relations of the states, Jefferson pondered aloud his doubt "whether our organization is not too complicated, too expensive; whether offices and officers have not been multiplied unnecessarily and sometimes injuriously to the service they were meant to promote."

Here he came cautiously to a matter close to his heart. He had, he said, reduced substantially those offices within the purviews of the Executive; but unfortunately, most had been established by law, and could therefore only be abolished by law. He would, he affirmed, be happy to furnish them with information as to those he intended. What he had in mind, without openly saying so at the moment, were the judgeships which had been added in the last days of Adams's administration.

Next he recommended the provisions for specific appropriations, which Gallatin had suggested to him, as a means of reducing expenditures; and offered, in place of the internal taxes, the revenues from the sale of public lands as a means for reducing the public debt.

The army establishment was entirely too large, he pronounced. "For defense against invasion their number is as nothing; nor is it conceived needful or safe that a standing army should be kept up in time of peace for that purpose." There was always the militia. Jefferson had a perfect horror of a professional army, seeing in it a method of government to subvert the liberties of the people. Nor had his experience with the militia during the Revolution done anything to change his reliance on an outpouring of free men to oppose an invader.

As for the navy, only a small force was required for Mediterranean service against the Barbary pirates; the rest—what there remained of it—could be laid up against emergencies. He had also, pending Congressional approval, "suspended or slackened" work on certain naval yards.

His next section could be approved *in toto* by the most conservative of modern industrialists. "Agriculture, manufactures, commerce, and navigation, the four pillars of our prosperity," he asserted, "are then most thriving when left most free to individual enterprise. Protection from casual embarrassments, however, may sometimes be seasonably interposed."

But the judiciary, "especially that portion of it recently erected," aroused his greatest wrath. He had received from the United States District Attorneys a complete list of all the cases that had come before the federal courts from 1792 to the present day,[42] and he offered it as evidence that there was not enough business for the number of judges. He also wanted Congress to consider whether juries had been impartially selected in those states where the marshals were court appointees.

His final recommendation was for a shortening of the term of naturalization from the requirement of fourteen years residence which had been passed during the hysteria over "aliens." "Shall we refuse to the unhappy

fugitives from distress," he demanded eloquently, "that hospitality which the savages of the wilderness extended to our fathers arriving in this land? Shall oppressed humanity find no asylum on this globe?"[43]

Such was the Message Jefferson laid before Congress. To his old friend, Mazzei, he was much more forthright.

> You cannot imagine [he exclaimed] what progress republican principles have made here. Business is conducted calmly, and with unanimous consent in both Chambers. The Tories are generally either converted or silenced by rational evidence or by prudence.
>
> All the excess expenditures which were turning the ship of state toward monarchy are being rapidly abolished, and the fundamental principles of 1775, once more assert themselves vigorously. Briefly, there is every proof that people are enjoying life, although none have exclusive privileges, nor are there proscriptions for any except those guilty of infamous conduct.
>
> Our country will be a haven for the oppressed, without fourteen years being necessary for qualification, and we have found a way of carrying on affairs without any need for an Act of Sedition. The appointments made by Mr. Adams to the District Courts, will, necessarily, have to be abandoned, the taxes on press and other things will be abolished; the '94 [laws] are suppressed; and, finally, all that is oppressive will be removed, and every encouragement will be given to naturalization, to commerce, to industry and to right conduct.[44]

In short, the millennium.

CHAPTER 50

Triumphant Republicanism

THE year of 1802 dawned on a tranquil nation. So soothing had been the uttered words of the new President, so gradual and nibbling had been the changes in government, so still intact was the fundamental structure, so quietly and serenely had this alleged atheist and wild-eyed anarchist comported himself that the rank-and-file Federalists found nothing to arouse their fears and even the leaders were hard put to it to discover issues on which the tocsin might be sounded.

It has often been said that Jefferson was merely drifting. But he knew exactly what he was doing. He had to rid the country of the fear that a French type of revolution impended and to sever the Federalist leaders from their electoral support. He had to make haste slowly in bringing about the millennium. Yet he kept the eventual goal ever clearly in mind.

He realized that the Hamiltonian financial system had become so deeply imbedded and interpenetrated with the very structure of the government that it was now impossible to excise it. Willy-nilly, and in spite of theory, it had to be continued. He made his guiding principles clear to Dupont de Nemours, who had thought his Message too big for the nation, yet exhorted him to continue on his course like Socrates, Cato, Confucius, Marcus Aurelius—and Turgot.[1]

Jefferson explained his strategy to the enthusiastic French expatriate. "When this government was first established," he wrote, "it was possible to have kept it going on true principles, but the contracted, English, half-lettered ideas of Hamilton, destroyed that hope in the bud. We can pay off his debt in 15. years: but we can never get rid of his financial system. It mortifies me to be strengthening principles which I deem radically vicious, but this vice is entailed on us by the first error. In other parts of our government I hope we shall be able by degrees to introduce sound principles and make them habitual. What is practicable must often controul what is pure theory: and the habits of the governed determine in a great degree what is practicable." [2] So spoke the man who was supposed by his opponents to be a pure theoretician and dreamer.

Though he disliked the financial system—and particularly the Bank—he knew at least that he could in a measure control them, and make good out of evil. But the federal judiciary was another matter. Here was the stronghold into which federalism had retired; an entrenched position over which, by virtue of the Constitution, he had no power. "There," he remarked bitterly, "the remnants of federalism are to be preserved and fed from the

treasury, and from that battery all the works of republicanism are to be beaten down and erased. By a fraudulent use of the Constitution, which had made judges irremovable, they have multiplied useless judges merely to strengthen their phalanx." [3]

This was one area in which he believed that gradualism would prove ineffective and that he was compelled to declare open and immediate war. As the event was to disclose, he might have done better to have held to his original doctrine.

On New Year's Day, in spite of the fact that the President had abolished the traditional levee, a group of Federalist Congressmen came in coaches to present him with the compliments of the season. Jefferson received them with due politeness and offered them cake and wine. Then he displayed to them a "mammoth" cheese that had come to him that morning from the Republican farmers of Cheshire, Massachusetts. It was indeed a mammoth offering, weighing 1230 pounds, and measuring over four feet in diameter and fifteen inches in thickness.

It had been made, so the President informed the amused Federalists, from a day's milk supply from all the "Republican cows" in the community, pressed out with prayer and hymn-singing, and driven by sleigh all the way to Washington.[4]

Dr. Samuel Latham Mitchill, a Republican Congressman from New York, was seeing the leader of his party for the first time; and he regaled his wife with a complete description of the hero. He found Jefferson "tall in stature and rather spare in flesh. His dress and manners are very plain; he is grave, or rather sedate, but without any tincture of pomp, ostentation, or pride, and occasionally can smile, and both hear and relate humorous stories as well as any other man of social feelings." Being himself a bookish man, Dr. Mitchill surveyed the little group of books on the mantelpiece with considerable interest. There was a volume of the French Encyclopedia, a volume of Tacitus with facing texts of Latin and Spanish translation, and an elegant copy of Plato. The presence of the Plato is interesting; for Jefferson always expressed the heartiest contempt for the great Greek philosopher.

The worthy medical Congressman found a common interest with the President in the subject of smallpox. Jefferson told him that he had inoculated many persons with his own hand, and he talked about the subject "with the intelligence of a physician, so ardent is his philanthropy and such is his zeal to extirpate the small-pox." [5]

Much more curious was another conversation Mitchill had with Jefferson. He had read the *Notes on Virginia* and asked the President just where he had stood to view the cleft of the Potomac from which he had drawn his famous description. Jefferson gravely told him the spot no longer existed; that during Adams's administration a company of Federalist troops had blasted the rock with gunpowder so as to make Jefferson's account

sound fallacious to other travelers who would attempt to duplicate the view. "What shameful, what vandalic revenge is this?" exclaimed the simple doctor.[6]

But if Jefferson was perhaps pulling the worthy Congressman's leg with this account of Federalist revenge, he was deadly in earnest about his reply to a memorial from the members of a Baptist congregation. They had asked him to proclaim a day of fasting and of thanksgiving; and he determined, much as he disliked to answer memorials, to utilize the occasion for putting on record certain deep-seated convictions. It gave him the chance, he wrote his Attorney General, Levi Lincoln, to make public "a condemnation of the alliance between Church and State, under the authority of the Constitution. It furnishes an occasion, too, which I have long wished to find, of saying why I do not proclaim fastings & thanksgivings, as my predecessors did.... I know it will give great offence to the New England clergy; but the advocate of religious freedom is to expect neither peace nor forgiveness from them." [7]

The question of the exact nature of the separation of Church and State under the Constitution had become again in modern times a matter of dispute and heated controversy; but to Jefferson it meant but one thing—*complete* separation in every possible phase of activity. Yet it was Jefferson who, with tongue in cheek, had proposed and seen carried through in the days of the Revolution just such a day of fasting in order to arouse the people.

Levi Lincoln, himself a New Englander, advised against it. Not merely the Federalists, but even the Republicans in New England, he declared, might be offended. Nevertheless, Jefferson went through with his plan and sent the Baptists a ringing explanation of his reasons why he could not accede to their request, and used that famous phrase of the "wall of separation" which has since been repeatedly quoted, even in decisions of the Supreme Court.[8]

Congress had listened quietly to the report on the state of the nation and on Jefferson's recommendations for the future. There had been no immediate repercussions. If there were many things in the message that the Federalists disliked, they were couched in such general terms and placating language that sensibilities were not too violently lacerated.

The Republican majority in the House was substantial—sixty-nine to thirty-six. The influential Republicans were almost all from the South—William B. Giles of Virginia, the elongated, brilliant and erratic John Randolph of Roanoke, also from Virginia, Samuel Smith and Joseph H. Nicholson of Maryland. The Speaker was an honest but not too able Carolinian, Nathaniel Macon. Opposed to them was an experienced and skilled coterie of Federalists, including James Bayard of Delaware, Roger Griswold and Samuel Dana of Connecticut.

In the Senate, the parties were much more evenly divided, though the

Republicans held a precarious edge which absenteeism sometimes brought to the vanishing point. Here the Republicans had John Breckinridge of Kentucky, the putative father of the famous Kentucky Resolutions; somewhat later, De Witt Clinton of New York, able and unscrupulous; and James Jackson of Georgia. Facing them from the Federalist benches were Gouverneur Morris of New York, Jeremiah Mason of Massachusetts, James Hillhouse and Uriah Tracy of Connecticut.

The first order of business from the Republican point of view—and the one next Jefferson's heart—was the repeal of the Judiciary Bill that had been pushed through in the closing days of the previous administration. It was this bill, adding a considerable number of judges and other judicial officers to the existing establishment, that Jefferson had described in bitter terms as the last stronghold of federalism.

On January 6, 1802, John Breckinridge rose on the Senate floor and moved "that the act passed last session respecting the Judiciary Establishment of the United States be repealed." Two days later he led off the debate. The law, he argued, had been unnecessary and improper. The number of cases before the federal courts did not require such an extension; they had been created for political purposes and constituted a heavy charge on the strained finances of the country. What then was to be done with the present incumbents? Since Congress had the power to abolish the courts, he declared, the Constitution could not be tortured to mean that a judge must continue in an office that no longer existed.[9]

Jeremiah Mason and Gouverneur Morris promptly sprang to the defense. Mason waxed sarcastic over the ingenuity displayed in removing the office in order to remove the man, while Morris warned rhetorically: "We are now about to violate the Constitution. Once touch it with unhallowed hands; sacrifice but one of its provisions, and we are gone." It was "the vile love of popularity," he declaimed, that had ruined every republic in history. "Why are we here?" he demanded. "To save the people from their most dangerous enemy; to save them from themselves." [10]

Morris's extravagant language was not calculated to win friends among the Republicans; but Mason's more temperate argument gave some of them pause. They had disapproved of the additional offices; but they felt the force of the Constitutional argument anent cutting the job from under a judge whom the Constitution had plainly meant to hold office for life. Even Jackson, the Georgia firebrand, acceded to the argument and said so from the floor.

On January 15th, in the midst of the turbulent debate, Aaron Burr appeared to assume his seat as President of the Senate. At the sight of his dignified, erect figure, and under his calm, even voice the Senate straightened perceptibly from its usual slouch and surreptitiously pocketed the apples it had been accustomed to munch.

The issue was much in doubt as the debate proceeded. Both sides marshaled their forces. The Federalists sent urgent messages to two of

their absentees, Ross of Pennsylvania and Ogden of New Jersey, to come forthwith. Republican Senator Bradley of Vermont, who had gone home because of family illness, promised to return after the shortest decent interval. So evenly were the two parties divided, in fact, that Bayard believed Burr, as presiding officer, would be forced to give a casting vote. He professed a great deal of satisfaction over the dilemma in which the Vice-President would thus be placed.[11]

The bill was reported out of committee on January 22nd. Jefferson, watching the proceedings with intense interest, expressed his doubts as to the final result. "Our friends [in Congress]," he reported gloomily, "have not yet learned to draw well together, and there has been some danger of a small section of them, aided by the feds, carrying a question against the larger section. They have seen however that this practice would end in enabling the feds to carry every thing as they please, by joining whichever section of Republicans they chose; and they will avoid this rock." [12] Jefferson had made the passage of this bill an administration measure, and expected—in spite of his usual disclaimers of executive interference with the legislature—that the Senators would heed the crack of the whip.

What behind-the-scenes maneuvering was employed is unknown, but Jackson of Georgia was finally made to see the light; and when the bill came up for vote on February 3rd, it passed by a bare 16 to 15. Actually, however, it was the outcast Burr who saved the day for the Republicans. For, on January 26th, when the bill was moved for its third reading, the vote was tied at 15 to 15, and Burr's casting vote passed it over the unexpected hurdle. Gouverneur Morris was disgusted. He had hoped Burr, in view of his treatment at Jefferson's hands, would have thrown in his fortunes with the Federalists. "There was a moment," he recorded, "when the Vice-President might have arrested the measure by his vote, and that vote would, I believe, have made him President at the next election; but there is a tide in the affairs of men which he suffered to go by." [13]

Yet his aid was wholly overlooked by the Republicans in their resentment against his action on the following day, when Jonathan Dayton of New Jersey moved to recommit the bill for further consideration with the explanation that the *entire* judiciary system ought to be revised. Once again, a strict party vote brought on a tie, but this time Burr, thinking perhaps that a conciliatory move now might win over the Federalists to the measure, cast his vote with them. The respite was temporary, however, for Breckinridge called the bill up again on February 2nd, and the following day it was passed.[14]

The bill went now to the House, where John Randolph took over its management on the floor. Here the Republican majority was so overwhelming that, in spite of a desperate rear-guard action by the Federalists, it was pushed through on March 3rd by a strong majority of 59 to 32. But not before Jefferson, impatient for immediate passage, had received

something of a scare. "The H. of R.," he complained on February 21st, "have now been a week debating the judiciary law, and scarcely seem to be yet on the threshold of it. I begin to apprehend a long session: however," he added optimistically, "I believe all material matters recommended in the first day's message will prevail. The majority begins to draw better together than at first. Still there are some wayward freaks which now & then disturb the operations." [15]

The first test on the recommendations made by Jefferson had proved successful, although there had been hard sledding and several near catastrophes. But Burr had now irretrievably lost whatever small chance there was for regaining favor. His first pro-Republican vote was forgotten in the furore over the second. And he made a final mistake that damned him forever. The Federalist chiefs invited him to attend the annual birthday party for their departed leader, George Washington. It was a trap, deliberately baited to cause an irremediable schism among the Republicans, and Burr fell into it. Appearing dramatically before the astonished rank and file, who had not been taken into the secret, he proposed a toast: "*The union of all honest men!*" That meant only one thing—a bid for union between the Federalists and himself; and Hamilton, in retirement, gleefully saw in it an opportunity to destroy the Republican party.[16] From this fatal step there was no retreating.

Immersed in national affairs, Jefferson was nevertheless always willing to heed the call of duty from Virginia. The Virginia legislature, still suffering from the shock of the abortive Negro conspiracy, had sought once more to find a place outside their state to which they could deport all Negroes guilty either of enumerated crimes or, though innocent of wicked intentions, free or thereafter emancipated. For the first class, they proposed deportation to Africa or South America; for the second, the place of asylum could be chosen by the Negroes themselves, so long as they quit the state.[17]

Jefferson, to whom Virginia appealed for advice through Governor Monroe, saw nothing morally wrong in this sudden wrenching from their homes of free Negroes untainted by misconduct. He suggested Sierra Leone in Africa as a fit place for *both* categories, and promised to propose the scheme to the British, the rulers of that colony. He actually did write to Rufus King, the American Minister to England, to lay the proposition before them.[18]

The scheme did not appeal to Monroe. Sierra Leone, he had heard, forbade slavery, and he did not wish the culprits to be set free. It was better, he said, to seek some place in South America where they could be treated and sold as slaves.[19] All plans, however, eventually fell through; neither the state nor federal government could find a place that would accept the deportees.

Jefferson's interest in Virginia affairs remained constant. He still held to his old idea that the state ought to be laid out in "hundreds" or "captaincies," and he prodded his son-in-law, John Wayles Eppes, who was preparing to enter local politics, to put the plan into effect. "There can be no other basis of republican energy," he insisted. "Police, justice, elections, musters, schools, and many other essential things can have no other effectual bottom. There is not a single political measure for our state which I have so much at heart. The captain or head borough would be there what the Sergeants are in an army: the finger of execution." [20]

Perhaps one other plan for Virginia was just as much at his heart: a "general university . . . on the most extensive & liberal scale that our circumstances would call for & our faculties meet." [21]

He also favored his Virginia friends for federal posts. One in particular —John Page, the comrade of his youth—exercised his ingenuity for years. Page had fallen on evil days financially, and Jefferson sought unweariedly to place him in a comfortable berth. Admitting that Virginia already had more than her due proportion of appointments, Jefferson nevertheless offered to remove the Federalist collector of customs at Petersburg and turn the office over to Page. Page refused it because the emoluments had been curtailed, but Jefferson kept trying to find him another situation. Fortunately, Page's election to the governorship of Virginia at the end of the year solved the problem temporarily; but on the termination of that office Page, still indigent and encumbered with a large family, was thrown back into the market place.[22] But the story of his friend's further attempts to find him an easy niche at the government's expense must await its proper place.

Domestic problems burdened him as well—a strange retiring from society of his younger daughter, Maria. To combat it he urged her to come to him in Washington, or at least to visit with Martha. The troubled state of his daughter brought up tragic memories. For your own happiness, he urged, mix with the world; or you will suffer for it. "I can speak from experience on this subject," he wrote feelingly. "From 1793. to 1797. I remained closely at home, saw none but those who came there, and at length became very sensible of the ill effect it had upon my mind, and of its direct & irresistible tendency to render me unfit for society, & uneasy when necessarily engaged in it. I felt enough of the effect of withdrawing from the world then, to see that it led to an anti-social & misanthropic state of mind, which severely punishes him who gives into it: and it will be a lesson I shall never forget as to myself." [23]

His elder daughter's husband also required his attention. Thomas Mann Randolph, plagued with ill health and financial worries, proposed to quit Virginia and seek new fortune in a cotton plantation at Natchez. Jefferson dissuaded him from the attempt, though he agreed that cotton culture was proving profitable. But Natchez, he argued, was unhealthy and exposed to the Spaniards and Indians. Why not try Georgia, which was

healthier, closer and safer, and already peopled with many Virginians? "In fact," he ended in a glow of enthusiasm, "I should be delighted to own a cotton estate in Georgia, & go and pass every winter under the orange trees of that country."[24]

Neither father nor son-in-law ever went to Georgia; and Jefferson, from Washington, busied himself rather in making more permanent and magnificent the buildings at Monticello. He sent detailed instructions with appropriate sketches—brick pilasters, the flanking northwest building to hold his coaches, and an underground icehouse, solid and circular.[25]

While thus inquiring into Georgia cotton plantations and engaging in expensive building at Monticello, Jefferson was running headlong into debt. His expenses far outstripped his income. For his first year in office, his expenditures totaled the amazing sum of $33,624.84. To meet them, he had his presidential salary of $25,000, while the sale of his tobacco and his nailery profits netted $3,507.33. His deficit for the year therefore amounted to $5,117.51. Lest this be thought an unusual year, his accounts for all succeeding years in office disclose the same enormous expenses and the same steady deficits. He was compelled to go into debt to his factor, John Barnes, who advanced him monies monthly and charged interest on the account. By the time he was ready to retire from the Presidency, he was so deeply involved that he had to borrow $8,000 from a wealthy female neighbor, Mrs. Tabb of Amelia, to pay off some of his Washington debts.[26]

What caused this lavish expenditure, particularly when it is taken into account that the regular levees had been abolished, the former trappings of office done away with, and Jefferson's personal habiliments were plain to the point of embarrassment? Monticello, of course, was a bottomless drain; and Jefferson's dinners and wines, for all their simplicity, were justly famous among Washington political figures. Even the Federalists thought it a treat to be invited to one of his meals. His passion for fine horses, fine books, fine scientific instruments and fine wines was insatiable, and he never reckoned expense when any of these items swam into his view.

With the repeal of the judiciary law successfully encompassed, the Jeffersonian forces in Congress now moved to the other items which their leader had proposed in his annual message.

The repeal of the internal taxes had been a major issue with the Republicans, and they sought to make their promises good as soon as the drastic slashes in government expense rendered it feasible. On March 8, 1802, John Randolph of Roanoke moved in the House to repeal the hated taxes and, in spite of all attempts by interested parties to retain individual items of the excise, the bill passed on March 22nd by the comfortable majority of sixty-one to twenty-four.[27] The Senate assented on March 31st with some slight changes, to which the House agreed on April 2nd.[28] The Republican majority, Jefferson noted with considerable satisfaction, was

now working much more harmoniously; and his program was moving with smoothness and dispatch.

Gallatin had been diligently at work examining the operations of the sinking fund, which Hamilton had started and which every Republican insisted was so involved that no mortal but Hamilton himself could understand it. Jefferson warmly approved of Gallatin's report for its recasting. "I think it an object of great importance . . ." he wrote his Secretary of Treasury, "to simplify our system of finance, and bring it within the comprehension of every member of Congress. Hamilton set out on a different plan. In order that he might have the entire government of his machine, he determined so to complicate it as that neither the President or Congress should be able to understand it, or to control him. He succeeded in doing this, not only beyond their reach, but so that he at length could not unravel it himself." What Jefferson wanted was an accounting system whereby it would be possible at the end of each year, at a glance, to determine the exact surplus or deficit, and whether current taxes were too high or too little.[29]

It was essential to watch income and outgo closely; first, because of the curtailment of revenue due to the repeal of the excise taxes, and second, because the long controversy with Great Britain over the damages due her from the failure of her merchants to collect their pre-Revolutionary debts had finally been settled by a lump sum convention of £600,000, payable in three annual installments.

The Federalists waxed sarcastic over this gratuitous unloading of the private debts of the Southern States—Virginia in particular—onto the federal government; but Jefferson rightly pointed out that the assumption had been not of their doing, but of the Federalists themselves as a result of Jay's Treaty. As a matter of fact, he took credit for scaling down an original claim of twenty-odd millions to a mere three million dollars. "If the bargain be hard," he spoke of the Federalists with some asperity, "it is their work. That it is not more hard has been the effect of our measures. If this be given up it can never be settled but by war." [30]

Another matter that had to be settled—and settled before the next presidential election—was the method of choosing the President and Vice-President. The old method had not only proved unworkable, but had led the nation almost to the brink of civil war. The Constitution makers had not envisaged political parties when they set up their machinery; but parties had come into being and were obviously there to stay. On April 12, 1802, De Witt Clinton introduced a proposed amendment to the Constitution in the Senate "that in all elections of President and Vice President, the persons voted for shall be particularly designated, by declaring which is voted for as President, and which as Vice President." The House passed a similar resolution on May 1st; but the solid opposition of the Federalists caused it to fail by a single vote of the required two-thirds in the Senate on May 3rd.[31] Perhaps they dreamed, as a minority party, of a

similar contretemps to that of 1801 when they might again hold the balance of power in selecting a President.

It was not until the end of 1803 that the amendment was proposed again, and this time, in a slightly different form, passed and later ratified by the States as the Twelfth Amendment to the Constitution.

Jefferson watched the spring elections in the various states carefully, and sent his Postmaster General, Gideon Granger, on a tour of the northern states to report on the results. They were disappointing.

The first accounts from the pivotal state of New York, in fact, were alarming; but later reports disclosed that it was still safely Republican, though the Federalists had gained several Congressional seats. Vermont was safe; but Massachusetts showed few gains, while rock-ribbed Connecticut gave the Federalists an almost two to one majority over their opponents.[32]

With the South solidly Republican, there was no fear of overthrow, but Jefferson had an almost pathetic yearning to see the last strongholds of federalism turn to him for aid and comfort. Unanimity was what he wanted, a solid backing of approval for his policies and an end to sniping and criticism of himself as man and President. He was like the princess in the fairy tale—the tiniest pea underneath the sevenfold featherbeds was sufficient to disturb his slumbers and harass his thoughts.

Yet he refused to despair. He attributed the still extant evidences of dissent to a few Tory leaders, but chiefly to a priesthood with whom he would eternally be at war. He winced whenever he read an attack on himself or on the government in the Federalist press, yet he wanted to "see the experiment tried of getting along without public prosecution for *libels*. I believe we can do it," he added.[33]

He expanded on the theme to Volney in France. The Federalists hated him, and like Nero, would have concentrated all their hatred of republicanism on his devoted head so that one sweeping blow would eliminate the whole. But, he continued self-righteously, "I shall protect them in the right of lying and calumniating, and still go on to merit the continuance of it, by pursuing steadily my object of proving that a people, easy in their circumstances as ours are, are capable of conducting themselves under a government founded not in the fears & follies of man, but on his reason, on the predominance of his social over his dissocial passions, so far as to restrain him in no moral right, and so firm as to protect him from every moral wrong..." He admitted he was too old to do more than start on the road to the millennium; but hoped that his successors would eventually reach the goal.[34]

He took in the Federalist papers with a kind of self-flagellant desire to see what they had to say about him, but he refused to support them by direct purchase; and evolved a most complicated system whereby the price would go to Republican papers instead.[35]

But, while thus voicing noble sentiments, he was at the same time practical enough to realize that the "lies" and "calumnies" must be met; just as in the days of Freneau. Therefore he cautiously acceded to the idea that the Philadelphia *Aurora* be subsidized in order to stand up against the many Federalist papers in that town. "I am satisfied," he declared, "that truth & reason can maintain themselves, without the aid of coercion, if left free to defend themselves. But then they must defend themselves." [36]

He considered himself not only as President of the United States, but as the national head of the Republican party. He kept a vigilant eye on the various elections; and his wrath was particularly aroused by James A. Bayard, the solitary representative of Delaware in the House. Bayard, ironically, had been the Federalist who had finally ensured Jefferson's election; but he was now his most active opponent and leader of the minority in Congress. For God's sake, run for Congress against him, Jefferson urged Caesar A. Rodney, the Delaware Republican. Bayard's "long speeches and wicked workings at this session have added at least 30 days to its length, cost us 30,000 D. and filled the union with falsehoods and misrepresentations." [37] Unfortunately, it was impossible to dislodge Bayard, and he remained to embarrass Jefferson with later accounts of the negotiations whereby Jefferson had been chosen and Burr defeated.

In the main, however, the President was satisfied with the work of Congress as it closed the session. Practically all of his recommendations had been enacted into law; and those few which had not were merely laid over for want of time. He characterized the minority as "the bitterest cup of the remains of Federalism rendered desperate and furious by despair." But even *they* were compelled to acknowledge that their party would never more raise its head.

Yet while thus contemplating the demise of the Federalists, Jefferson was politically perceptive enough to realize that it was not in the nature of man to be long in unanimous agreement. What would happen then? "We [the Republicans]," he foresaw, "shall now be so strong that we shall certainly split again; for free men thinking differently and speaking and acting as they think, will form into classes of sentiment, but it must be under another name, that of federalism is to become so scouted that no party can rise under it." He thought the division would come as Whig and Tory, as in England, since that division "is founded in the nature of man." [38]

There spoke the philosopher; but when the actuality came, under the guise of John Randolph and his "Quids," the man quivered under the blow and attacked the faction with all the invective at his command.

He never could get over his morbid sensitivity in the face of opposition. He excused himself to Madame de Corny for not having written her these many years with the complaint: "Born, as unfortunately I was, in an age of revolutionary storm; the sweet sensations & affections of domestic

society have been exchanged with me for the bitter and deadly feuds of party." He never saw Angelica Church, though she was close enough in New York. "In our party divisions too it happened that her nearest friends were my bitterest opponents; and altho' that could not affect our mutual esteem, it tended to suppress the demonstrations of it." [39]

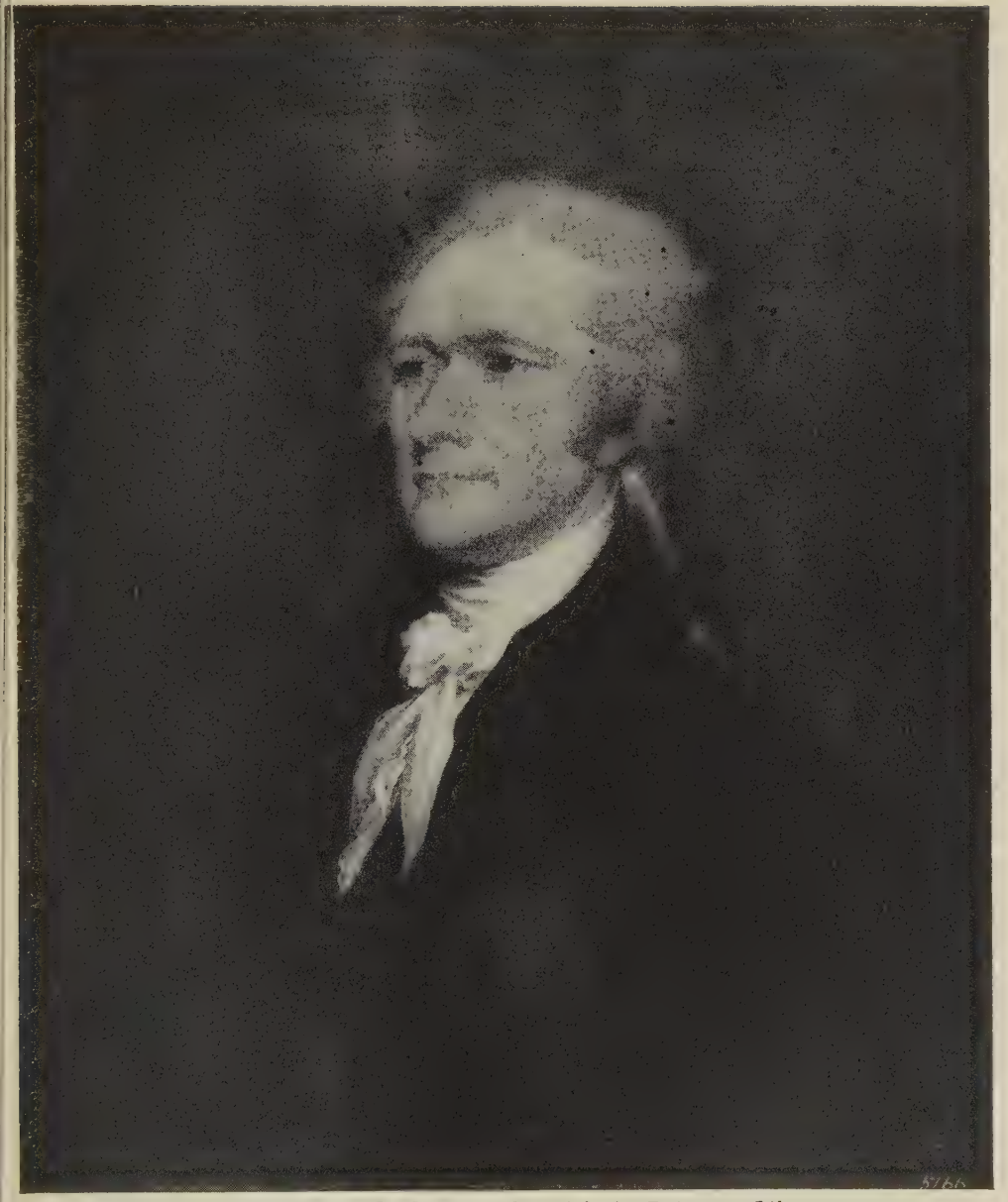
As if to prove Jefferson's prophecy of an eventual split among the triumphant Republicans, he received frequent reports of factional quarrels in Pennsylvania and New York. The situation in Pennsylvania was bad enough, with every Republican politician hostile to every other; [40] and Jefferson was sorely distressed, seeking always to pour oil over the troubled waters. But the far more deadly war to the knife that raged in New York met with a surprising degree of philosophic fortitude. For here it was the forces of De Witt Clinton and of Aaron Burr that were locked in mortal combat; and Jefferson's sympathies, for all his public protestations, were with the Clintonians. Bolstered by federal patronage, De Witt Clinton was remorselessly weeding out every Burrite in office he could find, and driving the Vice-President from the seats of power into the very arms of the Federalists.

Gallatin did not share Jefferson's Olympian calm. He took a serious view of the faction-torn state, and sought to alert his chief to the dangers implicit in the situation and to call off the ravening Clinton; going so far as to submit to him a copy of a letter by Burr denying that he had secretly intrigued with the Federalists against Jefferson in the late election.[41] But Jefferson quietly ignored his subordinate's pleas; though rendering lip service that "there can be no harm in wishing for forbearance," and promptly vitiating the faint remark by adding: "It is not for me to meddle in this matter." [42] He was quite willing to see Burr destroyed and removed forever from his path.

The irrepressible Barbary States now began to act up again. Hardly had the Tripolitans been treated with a show of force when relations with Algiers and Morocco worsened. Algiers thus far had done nothing but mutter some threats, and Jefferson was willing enough to comply with Madison's suggestion that a *douceur* of another $30,000 might pacify them temporarily. But Morocco had taken an insolent stand, going so far as to order the American consul out of the realm.

Jefferson was puzzled what to write the emperor of Morocco, complaining that "when one has nothing to write about it is difficult to find the end to begin with." [43] But he found plenty to commune over with his Cabinet in the crisis. It was obvious that Morocco either intended war now, or later in conjunction with the other Barbary Powers. He therefore thought it wise to recall any instructions to our Mediterranean fleet about their return to American waters, and to hold them there against eventualities.[44]

But Gallatin, who would be responsible for raising the money to carry



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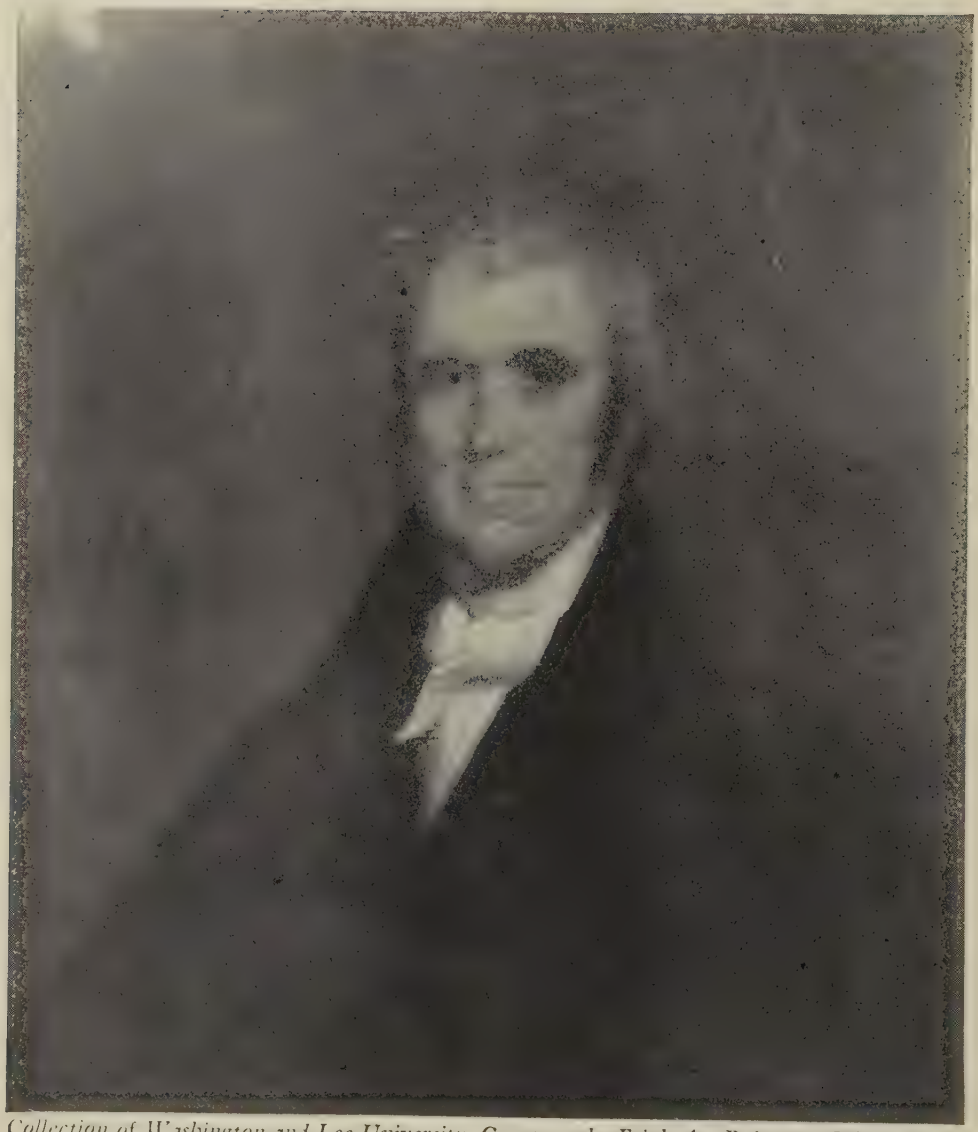
ALEXANDER HAMILTON

Painting by John Trumbull



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JOHN MARSHALL

Painting by Chester Harding

on a war, was willing to swallow national pride. "I consider it a mere matter of calculation," he advised the President, "whether the purchase of peace is not cheaper than the expense of a war, which shall not even give us the free use of the Mediterranean trade.... Eight years hence we shall, I trust, be able to assume a different tone; but our exertions at present consume the seeds of our greatness and retard to an indefinite time the epoch of our strength." [45] The eight-year period to which Gallatin alluded related to the time set for the final extinction of the public debt.

These were the very arguments that Jefferson himself always employed when the question of conflict with any other power arose; but the impudence of the Barbary States had consistently made him lose sight of his cardinal principle. Disregarding Gallatin's cautious advice, he countermanded a cargo of gun carriages destined for Morocco as tribute, and ordered two frigates to be made ready to sail to reinforce the Mediterranean fleet. "These, with those already there, & the Swedes [similarly at odds with the piratical States], are surely sufficient for the enemies at present opposed to us." [46]

Difficulties arose. The frigate *New York* was in any event due to sail for France; but Gallatin insisted that there was no money left in the naval appropriation for outfitting the *John Adams*. Jefferson was home in Monticello, trying to conduct the business of the United States through the mails. He sought Madison's advice; who thought the frigate ought to go. So did Robert Smith, Secretary of the Navy. But Jefferson yielded, albeit unhappily, to the financial argument. After all, had he not made it a cardinal article of faith that appropriations be made for specific purposes, and that one fund must not be commingled with another? Had he not sought Hamilton's dismissal and even criminal prosecution for doing just that? Yet—could not some way be found later to include the expense as a "debt incurred?" [47]

Fortunately, the embarrassing situation resolved itself without the necessity of any subterfuge. By the time Jefferson returned to Washington on October 7th, news had arrived that peace had been made with Morocco, and that there never had been any danger of rupture with either Tunis or Algiers.[48] A Cabinet meeting was held on October 21st and it was decided that up to $20,000 might be offered the Emperor of Morocco for "a firm establishment of a state of peace." [49]

The scare taught Jefferson a lesson. He realized now that a navy must always be in "a state of perfect preservation, so that at the beginning of a subsequent war it shall be as sound as at the end of the preceding one when laid up, and the lessening the expence of repairs, perpetually necessary while they lie in water, are objects of the first importance to a nation which to a certain degree must be maritime." His inventive mind therefore became active. The European dry docks were below water, but could only be used at high tide. "If the dry dock were above the level of the tide water," Jefferson proposed, "and there be any means of raising the

vessels up into them, and of covering the dock with a roof, thus withdrawn from the wet and sun, they would last as long as the interior timbers, doors & floors of a house." In order to float the ships into the dock, a canal type of lock might be employed. He sent the idea to Benjamin H. Latrobe, the architect, and asked him to prepare the necessary drawings for such a plan.[50]

Gallatin, however, with his passion for economy, opposed the ingenious idea. In fact, anything that smacked of additional expense could be counted on to meet with his disapproval.[51]

For once, however, Jefferson overrode his penurious Secretary of Treasury, and when Latrobe submitted specifications and an estimated expense of $417,276 for the entire operation, he laid the matter before Congress on December 27th for its consideration.[52] There it died.

There was some reason, however, for Gallatin's frugality. The peace in Europe—short and illusory as it was—nevertheless cut heavily into the American carrying trade and therefore reduced revenues. Jefferson had hoped to be able to drop the duties on sugar and salt, and substitute for them increased duties on luxury imports chiefly affecting the rich. But he was afraid now that all the forms of revenue would have to be kept intact, and that even the already minimum expenses of the navy must be further reduced.[53]

The navy was particularly in his mind at this time. When, therefore, it was proposed in Congress to build a series of piers in the Delaware River, and he had to conform to his views of the Constitution to declare that, or any other internal improvement unconstitutional, he found in that same navy a method of getting around the difficulty. Employing an argument perilously close to that which he had anathematized when Hamilton used it, he now said that "a power to provide and maintain a navy, is a power to provide receptacles for it, and places to cover & preserve it." If, therefore, these same unconstitutional piers could be placed where ships of war would be able to lie at them, they would then become constitutional.[54]

CHAPTER 51

Dreams of Empire

THUS far, except for the solitary incident of the Barbary Powers, the attention of the United States had been devoted almost exclusively to domestic problems. The undeclared war with France and the repercussions of the XYZ affair that had kept the last years of Adams's administration in a turmoil had been satisfactorily settled. Napoleon, after his seizure of power through the *coup d'état* of the 18th Brumaire (November 9, 1799), and faced with the combined might of Europe, had determined to settle affairs with this strange new republic across the sea. A treaty was negotiated whereby, in return for an extinguishment of American claims for damages over confiscated cargoes and ships, or so the French were to claim, the embarrassing guarantee of the United States to protect French possessions in the western hemisphere was similarly withdrawn. Jefferson submitted the treaty to the Senate, and it was duly ratified on December 19, 1801. Seemingly, there were no further points of contact between the two nations at which friction could develop.

But on July 22, 1800, shortly after his overwhelming victory over the Austrians at Marengo, Napoleon felt himself once more in a position to cast a speculative eye on America. The dreams of a vast American empire, made familiar by earlier unsuccessful moves of Talleyrand, stirred again. The great trans-Mississippian West, granted to Spain as a *douceur* for losses elsewhere, loomed in Napoleon's mind both as an extension of his own world power and as a containment for the youthful, but aggressive United States. Spain, weak and dying, could not be depended on to hold the line. Therefore, Spain must return what she could not hold.

Napoleon sent a courier in secrecy and haste to the French Minister at Madrid. Obtain a treaty, he ordered, whereby Spain would return, or retrocede, Louisiana to France at a fixed future date; and, to sweeten the pill, offer her the Duchy of Parma in Italy.

Since Spain lay in the shadow of the great First Consul's power, she could not help but obey. A preliminary *projet* was quickly drawn on August 28, 1800, in which Spain pledged herself "to retrocede to the French Republic the colony of Louisiana, with the same extent it actually had in the hands of Spain, and such as it should be according to the treaties subsequently passed between Spain and other States." But more was obtained than had even at first been intended. "Spain," continued the *projet*, "shall further join to this cession that of the two Floridas, eastern and

western, with their actual limits." [1] Talleyrand, who had been recalled to the Foreign Ministry, could now feel himself vindicated.

The final Treaty of San Ildefonso was signed on October 1, 1800; but, while following the *projet* as to Louisiana, it omitted mention of the Floridas. It was, however, orally agreed that certain sections of *West* Florida would be ceded after a general peace, on the special demand of Napoleon.

Spain repented of its one-sided bargain almost as soon as the ink had dried on the document; and called back to power Don Manuel Godoy, who bore the strange title of Principe de la Paz (Prince of the Peace), given him in recognition of his services in arranging a former peace with France. Bitterly anti-French, he had been forced out of his primary position at the Court of Spain in 1798; now he was back.

On July 27, 1801, Napoleon demanded possession; but Godoy evaded on the ground that Parma had not been turned over in accordance with the understanding. Napoleon, in a rage, determined to seize Louisiana without further ado. Making peace with England, the last major antagonist in his path, he first turned his attention to the French island of St. Domingo, where the remarkable Toussaint L'Ouverture was heading a great Negro revolt to drive the French into the sea. A vast army eventually crushed the Negro leader and his desperate followers, and St. Domingo came once more under French dominion.

With the Caribbean island as a vantage point, Louisiana was next. "My intention," wrote Napoleon, "is to take possession of Louisiana with the shortest delay, and that this expedition be made in the utmost secrecy, under the appearance of being directed on St. Domingo." [2] But Talleyrand, who always preferred the uses of tortuous diplomacy to naked force, managed eventually to overcome Godoy's evasions by a specific pledge that France would neither sell Louisiana nor alienate it in any manner once it came into her possession. What Spain feared more than anything else—and what eventually did happen—was the placing of this huge territory into the hands of the United States. Spain sensed the insatiable expansive drive of the Americans. Once they possessed Louisiana, what could prevent them from pushing on to the Pacific in the west, and south into Mexico and even further?

All these negotiations, treaties, cessions and countercessions had been conducted in such secrecy that the nation most interested—the United States—remained in blankest ignorance of the proceedings. Jefferson had been in the Presidency for several months before the first faint rumors of the Treaty of Ildefonso, completed more than eight months before, began to trickle through and to raise a vague uneasiness. On May 29, 1801, Jefferson voiced his first definite alarm to Monroe; on June 9th, Madison, as Secretary of State, issued the first of a series of instructions to the American Ministers in Europe to investigate the matter.[3]

The dread confirmations reached America early in 1802 from both

England and France. Rufus King forwarded certain pertinent documents from England; while Robert R. Livingston, not long before arrived in France, was able to enclose a copy of the actual treaty. "It is a transaction," he reported, "of pretty long standing." [4]

The alarming news galvanized Jefferson into immediate activity. More than almost anyone else he realized the implications of having a powerful and aggressive neighbor like Napoleon Bonaparte on the very doorstep of the United States. He had already had a foretaste of what it would mean. The victorious French in St. Domingo had seized American goods on the island, and imprisoned American merchants and ship captains. Madison had protested to Pichon, the French Minister to the United States, who obligingly remonstrated with Leclerc, the French commander responsible; and was himself summarily superseded for his pains. Jefferson's unofficial observer in St. Domingo, Tobias Lear—the former private secretary of President Washington—was expelled from the island with brutal dispatch.

On April 13, 1802, by a happy accident, Dupont de Nemours informed Jefferson that he intended going to France for commercial reasons, but primarily to attempt, à la Dr. Logan, to cement good relations between the two countries; and offered his services.[5] Jefferson promptly seized the heaven-sent opportunity and urged him to come to Washington. "I believe," he wrote, "that the destinies of great countries depend on it, such is the crisis now existing. I shall say to you much which I cannot commit to paper." [6]

But Dupont found it impossible to go to Washington. He was sailing from Philadelphia on May 5th. He had heard, however, that Jefferson had the idea of purchasing Louisiana; if so, he approved of it heartily.[7]

Before this astonishing bit of news reached Jefferson, he had already drafted a lengthy and confidential letter to Livingston to be entrusted to Dupont for safe carriage.

"The cession of Louisiana and the Floridas by Spain to France works most sorely on the U. S.," he wrote. "It compleatly reverses all the political relations of the U. S. and will form a new epoch in our political course." Even yet, however, Jefferson did not grasp the full implications, in spite of Dupont's clairvoyance. It was New Orleans, rather than the vast expanse of Louisiana, that engaged his attention. "There is on the globe," he said, "one single spot, the possessor of which is our natural and habitual enemy," and that is New Orleans! "France placing herself in that door assumes to us the attitude of defiance. Spain might have retained it quietly for years."

He gave the reasons. Spain was feeble and exercised no real threat; but France was energetic and powerful, as was the United States. "The day that France takes possession of N. Orleans," he warned, "fixes the sentence which is to restrain her forever within her low water mark. It seals the union of two nations who in conjunction can maintain exclusive possession of the ocean. From that moment we must marry ourselves to the

British fleet and nation. We must turn all our attentions to a maritime force, for which our resources place us on very high grounds: and having formed and cemented together a power which may render reinforcement of her settlements here impossible to France, make the first cannon, which shall be fired in Europe the signal for tearing up any settlement she may have made, and for holding the two continents of America in sequestration for the common purposes of the united British and American nations." This, Jefferson added, we neither seek nor desire, but it will be forced on us by France. Let these considerations be imparted to France, not as a threat "but as consequences not controulable by us, but inevitable from the course of things."

Even if France should consider the acquisition of Louisiana essential, let her at least cede New Orleans and the Floridas to us, an action which would "in a great degree remove the causes of jarring and irritation between us." [8]

This was a remarkable letter, for several reasons. In the first place, it discloses the fact that Jefferson's attention was so fixed on the immediate vicinage of New Orleans and the Floridas that he failed to recognize the great significance of Louisiana. Or, recognizing it, he was willing to leave the great West to the future, in the hope and belief that France, deprived of control of the Mississippi by the cession of New Orleans, would be unable to build an empire there sufficiently strong to withstand the determined encroachments of an expanding America.

In the second place, the advent of Napoleon and the present threat had so alarmed him that all his former hatred of England could not stand in the way of a willingness now to seek an alliance with her to withstand the French. That he meant sincerely the striking phrase—"from that moment we must marry ourselves to the British fleet and nation"—may be open to doubt. It was excellent strategy thus to play on the fears of the French; yet he must have seen that eventually the logic of history would drive him, willy-nilly, into the strange alliance.

But the rumor which had reached Dupont concerning his alleged intentions on Louisiana filled him equally with alarm, and he sought hastily to disabuse him.[9] Forwarding to him the letter to Livingston, as well as letters of a private nature to friends abroad, he gave him leave to read the official communication, so that "you may be able to impress on the government of France the inevitable consequences of their taking possession of Louisiana; and tho', as I here mention, the cession of N. Orleans & the Floridas to us would be a palliative; yet I believe it would be no more; and that this measure will cost France, & perhaps not very long hence, a war which will annihilate her on the ocean, and place that element under the despotism of two nations, which I am not reconciled to the more because my own would be one of them." This, of course, was not disavowal, except insofar as it related to current negotiations.

He sought also to employ Dupont to placate Talleyrand. Dupont was to

assure the latter that the XYZ imbroglio had been an artifice of the Federalists to consolidate their power; that they had since been dismissed, and that Jefferson and the Republicans, now in the seats of government, had always disbelieved the story.[10] Talleyrand must have smiled sardonically when Dupont faithfully relayed this disavowal. After all, who better than he knew that the story had been true?

Dupont expressed doubts over these instructions. While he had approved of an amicable attempt to purchase Louisiana, he felt strongly that these fire-breathing threats would merely alienate Napoleon. Why not, he inquired, seek merely a freedom of passage through New Orleans and the mouth of the Mississippi? And, if the United States still insisted on a foothold on the west bank, offer a *quid pro quo*—aid to France in regaining Canada from the British.[11] But he could not convince Jefferson, and was compelled to sail in May with the original instructions.[12]

Even before Dupont arrived in Paris and revealed what Jefferson wished, Livingston had been engaged in negotiations on his own. He hinted to the French that we might be willing to purchase West Florida and make the payment to their American creditors; but the hint was blandly ignored. As he dejectedly informed Rufus King, the American Minister in England, "no argument we can use will be of the least use on the subject."[13] What made the stone wall even more insurmountable was the infuriating pretense of the French that they neither had New Orleans, nor had made any treaty with Spain concerning it.[14]

Livingston, confronted with contradictory reports and isolated from his home government by many weeks of tedious communication, groped rather blindly toward a solution. While the French continued to deny—though an authentic copy of the treaty was in his hands—Rufus King from his listening post in London wrote that "according to my creed" New Orleans and the Floridas "must and will ultimately belong to us; if so every step we take should have a reference to this acquisition."[15]

At the same time, Charles Pinckney, even closer to the scene in Madrid, insisted that the Floridas were *not* included in the cession from Spain to France; and the Spanish Ambassador in France told him the same thing. This was most extraordinary, as Livingston himself was certain that they *were*.[16] The confusion, of course, arose from the equivocal wording of the final treaty as opposed to the *projet*—West Florida was to be conveyed after a general peace and then only on specific demand.

By the time Dupont arrived, bearing Jefferson's instructions, the harried American Minister had a somewhat clearer picture of events. The French Ministry now readily acknowledged the cession of Louisiana and New Orleans, and frankly countered Livingston's proposals with the grim statement that they intended to take possession first, before entering into any consideration of his offers. The Floridas, Livingston also learned, were not included in the deal, and would remain with Spain. "There never was

a Government," he wrote home angrily, "in which less could be done by negotiation than here. There is no people, no Legislature, no counsellors. One man [Napoleon] is every thing. He seldom asks advice, and never hears it unasked. His ministers are mere clerks; and his Legislature and counsellors parade officers." [17] Which is an excellent description of a dictatorship.

Even Dupont, who as a Frenchman had come with the full belief that he could act as an honest broker between the two nations he loved, was compelled to report in discouragement that the atmosphere of the country of his birth was thick with suspicion of the motives of the country of his adoption. Yet he refused to be daunted by rebuffs and proposed that New Orleans and the Floridas be purchased by the United States for the sum of $6,000,000.[18]

The situation at home, however, had changed in the interim for the worse. Ominous news came from New Orleans that the Spanish Intendant, Don Juan Ventura Morales, had imposed harsh restrictions on American commerce passing on the river.[19] Jefferson was furious, particularly when he could obtain no satisfaction from the Spanish Minister in Washington, to whom he complained. "I wish," he wrote bitterly to Madison, "we could once get the European powers to give to their diplomatic representatives here such provisional authorities as would enable them to [control?] the conduct of their governors in whatever relates to us. We are too far from Europe to dance across the ocean for attendance at their levees whenever these pigmy kings in their colonies think proper to injure or insult us." [20]

What Jefferson thought was the irresponsible action of the Intendant at New Orleans, however, had become the considered policy of the Spanish government. On July 14, 1802, the Intendant received official instructions from his King to close the port entirely to American goods except by express permission from Madrid. In order to avoid an open break, though, the order was cannily worded so to throw the onus on the Intendant himself, as having examined the Spanish-American treaty of 1795 and discovered that the right of American deposit had been limited to three years, a term long since expired.[21]

It was the French who had pressed this bold move on Spain; preferring to take over New Orleans with the prohibition against the Americans already a *fait accompli.* Tennessee and Kentucky, the chief sufferers, set up a clamor in Washington for war against the Spaniards. The Spanish Minister, Don Carlos Martinez de Yrujo, eventually sought to smooth over American ruffled feathers by assuring Madison that the act of Morales had been entirely unauthorized and, in fact, sent him a sharp note denouncing him for it.[22]

Nor was the news coming from Livingston and Dupont in Paris of better omen. Jefferson was goaded to an outburst that "we stand, com-

pleatly corrected of the error, that either the government or the nation of France has any remains of friendship for us. On the contrary, it appears evident, that an unfriendly spirit prevails in the most important individuals of the government, towards us." The long honeymoon was over. No longer did Jefferson intend to favor France in any altercation with England; hereafter, he asserted, we shall observe a strict neutrality, and take sides with either only when forced to it by the provocations of the other.[23]

Pichon, the French Minister, appraised the new attitude that Jefferson was adopting toward France. "However timid Mr. Jefferson may be," he reported to Talleyrand, "and whatever price he may put on his pacific policy, one cannot foresee precisely what his answer will be.... I find in general a bad temper as regards us; and I cannot help seeing that there is a tendency toward adopting an irrevocably hostile system. This circumstance will be decisive for Mr. Jefferson. If he acts feebly, he is lost among his partisans; it will be then the time for Mr. Burr to show himself to advantage." [24]

The specter of the thrust-aside Vice-President of the United States indeed lay heavy in the consciousness of the President, as the perceptive Frenchman had noted. Among the most ardent partisans of the Republican party were the turbulent frontiersmen of Kentucky and Tennessee. They loved Jefferson, but Burr was almost equally popular with them. If their grievances against Spain and her inheritor France were disregarded by Jefferson, their love would suffer a decided sea change; and Burr's star would rise as the symbol of a gallant soldier who would take no nonsense from Don or Monsieur.

Nothing of these violent behind-the-scenes proceedings appeared in Jefferson's Second Annual Message to Congress. Rather, he sought deftly to play them down and avoid having his hand forced too prematurely. He tried, indeed, to concentrate all attention on the domestic scene.

He asked Madison to get him a docket of the cases before the federal courts during the preceding year, in order to show Congress and all men "how little is to be done by the federal judiciary, and will effectually crush the clamour still raised on the suppression of the new judges." But Madison advised him to let sleeping dogs lie, and Jefferson yielded.[25]

From Gallatin he sought subjects for recommendation to Congress. He himself could think of but two, he said: a militia law, and the reformation of the civil list.[26] Gallatin replied with a similar naïvete when a draft was finally placed before him: "I hope that your administration will afford but few materials to historians; and we have already a favorable symptom in the difficulty under which we are to collect materials for a message." [27] Nowhere, even in these confidential interchanges between the President and the members of his Cabinet, was there the faintest mention of Louisiana and of the grave problems it had raised. Everything was sweetness and light.

Jefferson diligently sought to give that impression to everyone. These were halcyon days, and the function of government was to meddle neither with the affairs of other nations nor with the affairs of its own citizens. *Laissez faire* was the motto; and the slogan for Congress: "Let things alone." [28]

The President, indeed, seemed far more interested in other matters; such as, for example, the establishment of a Library of Congress. This had been near his heart and when, at his instigation, an appropriation was made to purchase books, he took the task eagerly upon himself. He sent to London and Paris for books in "good editions but not pompous ones; neat bindings but not splendid"; to be purchased with the same degree of "vigorous economy as that of an individual." [29]

Tom Paine, the stormy petrel of two worlds, had come to Washington, and Jefferson made much of him, though he was warned by such a fellow radical as the printer, William Duane, that Paine was again exercising his unequaled talent for getting into trouble. Duane had seen the first numbers of the famous *Age of Reason* and begged Paine not to publish it. Such an attack on revealed religion, he said, would cause even the Republicans to desert him, and all his political influence be destroyed. But Paine refused to listen.[30]

Dr. Mitchill, the New York Republican, who met the "celebrated Thomas Paine" for the first time at Gallatin's house, has left an interesting account of his appearance. "He has a red and rugged face," Mitchill wrote his wife, "which looks as if it had been much hackneyed in the service of the world. His eyes are black and lively, his nose somewhat aquiline and pointing downward. It corresponds in color with the fiery appearance of his cheeks. . . . He is fond of talking, and very full of anecdote." [31]

There had been considerable outcry over Jefferson's patronage of the "atheist" Paine even before the *Age of Reason* was published; and the outcry was redoubled after it appeared. But Jefferson refused to desert his friend, and went out of the way to show his respect for him in the most open fashion. It was, he felt, his duty to do so and to defy the raging priesthood and "federal calumny." [32] He deemed it all the more necessary because Paine had accused him of avoiding him in deference to public opinion. He had, he complained, come to Washington to show the President some models he had made of iron bridges, and to talk to him about France and Louisiana; and he thought he was being deliberately slighted.[33]

Newly arrived Congressmen were just as curious to see the President as the notorious infidel Paine. Those who were Federalists lumped them both in the same category, and may have expected certain outward physical manifestations of inner corruption. One of these was the newly elected Senator from New Hampshire, William Plumer, whose careful notes on the Washington scene give invaluable, if somewhat partisan, information on day-to-day proceedings.

Plumer arrived on December 2, 1802; on the following day he was intro-

duced to the President by a colleague, General Varnum of Massachusetts. The pair waited in the reception room of the President's House, and in a few minutes "a tall highboned man came into the room; he was drest, or rather undrest, with an old brown coat, red waistcoat, old corduroy small clothes, much soild—woolen hose—& slippers without heels. I thought this man was a servant; but Genl Varnum surprized me by announcing that it was the President. . . . I tarried about twenty minutes—he is easy of access, & conversed with great ease & freedom." [34]

All through his Presidency, every visitor remarked on Jefferson's negligent, somewhat shabby dress in the privacy of his home, and even when he appeared at levees or entertained foreign diplomats. There seems to have been something of deliberate attitudinizing in this careful disarray and the threadworn quality of his garments. He thereby sought to convey his sense of republican equality with the mass of plain Americans and his contempt for the forms and conventional finery of court levees. The people loved it, just as later they loved the tales of humble origins and log cabins; and clever politicians always stressed rough speech and negligent grammar. It was held against Martin Van Buren that he dressed with care and in fashion; and Lincoln's loose-fitting, rusty clothes helped create a myth. Jefferson could dress as expensively and as well as any high-flown Federalist; he had ruffled it with the aristocrats in France, and even during his Presidency, he ordered from his tailors the finest cloth available for his personal garments. But they were for private wear, and not for these occasions when he was plain Mr. President, and not His Excellency.

The Federalists hated and feared him, but they attended his dinners, which had become famous for their lavishness of food and wines; and they found him, even though they sneered at his dress, "very social." Both daughters, Martha Randolph and Maria Eppes, came to Washington at the end of 1802 for an extended stay, and graced his table. "They appeared well-accomplished women—very delicate and tolerably handsome," remarked that arch-Federalist and land speculator extraordinary, the Reverend Manasseh Cutler.[35]

Congress met in session on December 15, 1802, and listened to the reading of Jefferson's Message. It was low-keyed in tone, soothing, and optimistic. There was little in it to exacerbate the tenderest sensibilities of the most fiery Federalist; there were few recommendations; and as far as Jefferson was concerned, Congress might just as well have packed up and gone home. "God's in his heaven; all's right with the world," was the general tenor.

The opening sentence set the tone: "Another year has come around, and finds us still blessed with peace and friendship abroad; law, order, and religion, at home; good affection and harmony with our Indian neighbors; our burdens lightened, yet our income sufficient for the public wants, and the produce of the year great beyond example."

If here and there a minor flaw existed, it could easily be corrected. There were, he admitted, some European discriminations against our carrying trade; but he believed a little "friendly discussion" would obtain reciprocity; if not, it would be for Congress to decide whether to provide "countervailing inequalities at home."

He dismissed the all-important retrocession of Louisiana to France with a few words. It might, he admitted cautiously, if carried into effect, make "a change in the aspect of our foreign relations." That was all.

He touched on the uneventfulness of the undeclared war with Tripoli, on the settlement of boundaries with the Indians. He was more profuse on the pleasing subject of finances. "It is with pleasure I inform you that the receipts of external duties for the last twelve months have exceeded those of any former year." All expenses of government had been met, the public debt was reduced by $5,500,000, and there was a neat surplus in the Treasury.

He dwelt with satisfaction on the economical course of government, its paring of expenses, and the fact that the "moral canker," the public debt, was well on the way to extinguishment.

Though he had privately insisted on a militia on a national scale to replace any standing army, he now merely suggested that Congress review the institution of a militia, without offering a single specific recommendation. As for the navy, which had already been cut to the bone, he spoke only of the possibility of a few small vessels to be added; declaring that any further expense in this department should go "to the saving of what we already possess." He suggested, therefore, his pet plan for a naval dry dock, with locks to lift the ships to "a dry and sheltered bed." [36]

To listen to or to read this soporific Message, the innocent bystander might well have taken it for granted that not a cloud remained to trouble the national horizon. Louisiana was completely played down; and as for the sudden closure of the Mississippi that had roused the Western States to such a veritable frenzy, not a word.

This gentle calm did serve some useful purpose, however—it helped placate the Federalists, who cared not for Louisiana or the Mississippi, and were happy to have peaceful relations, even an alliance, with England. Plumer thought the Message "an excellent one" and "calculated to soothe the angry passions, & quiet the fears of the people"; yet he continued to doubt Jefferson's integrity, and wrote sourly that "it was with an ill grace he boasted of the fulness of the treasury, when at the same time he condemned those federal laws by which the money was collected." [37]

But Jefferson's fellow Republicans were not to be thus easily put off. John Randolph of Roanoke, eccentric, brilliant and a hater of shams, spilled Jefferson's carefully prepared apple cart by rising in the House two days after the Message and moving that all the documents relating to the

right of American deposit at New Orleans and the present closure be submitted by the government to Congress.

John Randolph is one of the most interesting and peculiar figures in American history. Related by a complex series of cousinships with Jefferson on the one side and John Marshall on the other, he was at once passionately republican and personally aristocratic. Tall, willowy, with a small, smooth baby face perched on an elongated body, voice shrill and effeminate, given to sudden passions, famed for his oratorical outbursts and feared for his savage satire and biting sarcasm, he nevertheless, as Plumer justly noted, "was destitute of that prudence & sound judgment, that patience of entering into details, & those habits of business, which are requisite for the leader of a party." [38]

By this sudden move he practically announced to the world that he had broken with the President, and that an important, if not too large, section of Republicans who followed his banner would reserve for themselves the right to examine Jefferson's activities with a critical eye.

Inasmuch as the main body of the Federalists in Congress were largely unreconstructed, in spite of Jefferson's continual gestures in their direction, this new Republican faction which now began to form around the figure of Randolph boded ill for Jefferson's subtle policies.

Congress, as Plumer noticed, was sharply divided into two party camps. They boarded in separate establishments, and rarely visited or mingled socially with each other. Plumer, who had a more open and inquiring mind, was the only Federalist who sought out Republicans and partook with them in friendly converse. It is true that Jefferson regularly invited the Federalists, with but few recalcitrant exceptions like Uriah Tracy of Connecticut, to dine with him. But he was careful never to mix them with Republicans, a procedure which Plumer thought an error that tended "to mark & perpetuate party." [39] Jefferson might just as well have saved his assiduous attentions, for he never converted—except for a very few—the Federalist leaders he wooed with food, drink and flattering conversation.

On December 22, 1802, Jefferson sent the required documents to the House. By a happy stroke of fortune, a letter came from Governor Claiborne of the Mississippi Territory stating that Salcedo, the Spanish Governor, denied responsibility for the act of the Intendant in closing the port, and declared it to be wholly unauthorized.[40]

This new letter, which Jefferson promptly submitted to the House on December 30th, turned the tide. The House debated the matter of the closure in secret session until the 7th of January, when it opened its doors to announce the passage of a resolution on the subject by a vote of 50 to 25. The resolution was a complete victory for Jefferson. While expressing the House's "unalterable determination to maintain the boundaries and the rights of navigation and commerce through the river Mississippi, as established by existing treaties," nevertheless, "relying, with perfect confidence, on the vigilance and wisdom of the Executive, they will wait the issue of

such measures as that department of the Government shall have pursued for asserting the rights and vindicating the injuries of the United States." [41]

The Senate, after a long debate, passed a much stronger and more positive set of resolutions on February 25, 1803. While similarly upholding the President, the Senate put weapons into his hands in the event the Intendant's "unauthorized" closure continued. Jefferson was empowered, in his discretion, to call on the States to muster, equip and have ready to march 80,000 militia; and a sum of money was appropriated, the amount later to be decided, for paying the militia during actual service, and for such other expenses, during Congressional recess, as the President "may deem necessary for the security of the territory of the United States." [42] This was indeed granting Jefferson a blank check.

If Congress thus obediently responded to the wishes of the President, the western legislatures were not as amenable. Closer to the situation, and with their most vital interests involved, they passed fiery resolutions demanding that troops be forthwith dispatched to Natchez and that New Orleans be seized at the first attempt by the French to take it over from the Spaniards.

Roger Griswold, Federalist Congressman from Connecticut, took advantage of this western Republican clamor to embarrass Jefferson. He called in the House for a similar submission of all the documents relating to Louisiana before them as John Randolph had successfully demanded for the Mississippi closure. This was a far more serious move than Randolph's, since it would have exposed to public gaze negotiations much too delicate for such rude handling; and the Administration forces rallied to lay the resolution on the table by a vote of 51 to 35.[43]

On the same day that the Federalist assault was thus successfully met—January 11, 1803—Samuel Smith of Maryland, to whom Jefferson looked more and more for Republican leadership in the House, countered with a surprise resolution behind closed doors. "*Resolved*," it read, "That a sum of two millions of dollars, in addition to the provision heretofore made, be appropriated to defray any expenses which may be incurred in relation to the intercourse between the United States and foreign nations ... to be applied under the direction of the President of the United States, who, if necessary, is hereby authorized to borrow the whole or any part thereof; an account whereof, as soon as may be, shall be laid before Congress." [44]

This amazing resolution, far more sweeping than the one which the Senate was later to consider, and seeking to deliver $2,000,000 into the President's hands without any strings attached, was an essential part of a preconceived and carefully dovetailed strategy which Jefferson had worked out with Smith and a few Republican leaders in his confidence.

The West, he realized, could not be held much longer in line with mere pious resolutions and vague promises of future action; something dramatic would have to be done to keep them temporarily quiet. That something, he decided, was to send Monroe on an extraordinary mission to

France, to work with or to supersede Livingston in negotiating for a final settlement of the Mississippi question. It was obvious that nothing could be gained by talking with Spain, since France was the equitable, if not already the legal, owner, and Spanish moves were dictated from Paris.

On January 10th, he had written to Monroe offering him the mission which, he explained, was necessitated by "the fever into which the western mind is thrown by the affair at N. Orleans stimulated by the mercantile, and generally the federal interest threatens to overbear our peace." [45] It suited Jefferson to place the blame on the Federalists rather than the western Republicans.

On January 11th, the nomination was submitted to the Senate; and simultaneously Smith came forward in the House with *his* resolution. The resolution was referred to a committee headed by Joseph H. Nicholson, another Republican stalwart; and they were privately informed of the real purpose of the appropriation—to seek the purchase of New Orleans and the two Floridas from France. On that basis, they recommended its adoption.[46]

The Senate approved Monroe's nomination without much debate and Jefferson immediately urged Monroe to accept, amplifying on the reasons which had induced him to take this step. "The agitation of the public mind on occasion of the late suspension of our right of deposit at N. Orleans is extreme," he wrote. "In the western country it is natural and grounded on honest motives. In the seaports it proceeds from a desire for war which increases the mercantile lottery; in the federalists generally and especially those of Congress the object is to force us into war if possible, in order to derange our finances, or if this cannot be done, to attach the western country to them, as their best friends, and thus get again into power. Remonstrances memorials &c. are now circulating through the whole western country and signing by the body of people. The measures we have been pursuing being invisible, do not satisfy their minds. Something sensible therefore was become necessary; and indeed our object of purchasing N. Orleans and the Floridas is a measure liable to assume so many shapes. that no instructions could be squared to fit them; therefore a minister extraordinary, with discretionary powers, was essential." [47]

Thus, by a bold move reminiscent of Adams's sudden dispatch of Vans Murray on a mission to France during a time of crisis, Jefferson effectively silenced his critics in both parties, and thought to put off the day of judgment. Actually, he anticipated no results from the mission. A year later, he confided to Priestley that "I did not expect he [Napoleon] would yield until a war took place between France and England; and my hope was to palliate and endure, if Messrs. Ross, Morris, etc. [Federalist Congressmen] did not force a premature rupture, until that event." [48]

At the same time, he was uneasy about his Constitutional powers to purchase territory for addition to the United States. Gallatin stoutly assured him that he had that right, quoting chapter and verse; and then, himself

unconvinced, suggested that the matter be further examined.[49] The Attorney General, Levi Lincoln, however, expressed doubts as to the constitutionality of acquisition; but Jefferson preferred to accept Gallatin's main thesis that territory could be acquired. "Whether," he added, "when acquired, it may be taken into the Union by the Constitution as it now stands, will become a question of expediency. I think it will be safer not to permit the enlargement of the Union but by amendment of the Constitution." [50] He was to change his mind on this vital point later on.

Under Jefferson's urgings, Monroe finally, if reluctantly, accepted the mission; and set sail for France on March 8, 1803.

CHAPTER 52

Louisiana Purchase

MONROE'S mission afforded Jefferson well-grounded cause for self-congratulation. "This measure," he wrote happily to his son-in-law, "has suppressed all further inflammatory proceedings meditated by the Federalists for instigating the Western country to force on a war between us & the owners of New Orleans. Their confidence in Monroe will tranquilise them on the subject. In the mean time we have the best grounded presumptions that the suspension of the right of deposit will be immediately removed." [1]

He had dexterously outwitted the opposition and at the same time placated his friends. He felt securely optimistic that somehow the French, if not the Spanish, could be made to see the light; and in the meantime, he had a breathing space to attend to certain matters closer at home. These were both public and personal.

Monroe's sailing turned his attention to those pitiful few of his old friends who were still alive in Europe. A sheaf of letters went in Monroe's bag, addressed to Maria Cosway, Madame de Tessé, Madame de Corny, Volney, Cathalan and others. They had fallen on evil days; and others, equally regarded, were dead. "Twenty seven years of revolutions and counter revolutions," mused Jefferson mournfully, "have swept off the whole of my friends & acquaintances in Paris, Madame de Corny & Mons. de la Fayette excepted." Madame de Corny, it was true, was alive, but she had been crippled by a fall and lived retired from the world of which she had once been such a gay ornament.[2] Madame de Tessé was still his botanical correspondent par excellence, and to her he confided his intention when he finally retired—that ever receding date—to become a florist and plant flowers at Monticello, though his prior passion had been for trees.[3]

Maria Cosway, who once had been the unwitting cause of a famous struggle between Jefferson's head and heart, had finally emerged from her religious retirement and was back in Paris making etchings of paintings in the Louvre. A prospectus of them came to her old friend, the President of the United States. At the same time, she expressed concern over the treatment of the Catholic faith in America. Jefferson dutifully subscribed to the etchings, and reassured her about American Catholics. "All religions here are equally free," he replied, "and equally protected by the laws, and left to be supported by their own respective votaries. In some places the

Catholic is better off than other sects, as they possess valuable endowments of land." [4]

He was thinking a good deal these days about the broader aspects of religion and of the nature of man and his destiny. The fashionable patter about "man in a state of nature" disgusted him. Locke and Hobbes had first brought it into popularity, but at least with logical limitations. Rousseau, however, had glorified the "natural" man and set him up as a noble ideal which civilization had subverted and deteriorated. Jefferson vented his feelings to a French savant via that same capacious bag which Monroe took with him.

"I have long been fatigued," he avowed, "with the eternal repetition of the term '*man in the state of nature*,' by which is meant man in his savage and stupid state, with his faculties entirely undeveloped. If this be his natural state, then the foetus in embryo exhibits it in its utmost perfection. As if the improvement of the senses of man, the strengthening and developing his reasoning faculties, any more than the growth of his body, rendered him an unnatural being, and placed him beyond the limits of his nature!" [5]

The idea of Rousseau's "noble savage" clashed irreconcilably with Jefferson's conception of the indefinite perfectibility of man. Whatever romantic strain there might have been in Jefferson—as evidenced by his earlier passion for Ossian—had long since been dissipated by the rational inheritor of the Enlightenment.

Perhaps Maria Cosway's anxious inquiry about the treatment of Catholics in this country brought up the subject again, perhaps it was the immeasurable abuse that poured upon his devoted head from the Calvinist preachers of New England; in any event, Jefferson's thoughts reverted to certain long evening conversations that had taken place between Benjamin Rush and himself during the winter of 1798-99. The Christian religion had been a major topic for these two veteran rationalists; and Jefferson had then promised that some day he would put his views of Christianity down on paper for Rush to read.

Now, in the spring of 1803, in the midst of his duties as President of the United States, the final spark came from a small book he received from Joseph Priestley, entitled *Socrates and Jesus compared*. It came to him just as he was leaving Monticello for return to Washington; and he reflected on its contents as he jogged along the road. The result of his lucubrations was a syllabus or outline of the comparative merits of Christianity and other religions, which he proposed to Rush for expansion into a regular volume.

"They are the result," he told Rush, "of a life of enquiry & reflection, and very different from that Anti-Christian system imputed to me by those who know nothing of my opinions. I am indeed opposed; but not to the genuine precepts of Jesus himself. I am a Christian, in the only sense in which he wished any one to be; sincerely attached to his doctrines, in

preference to all others; ascribing to himself every *human* excellence; & believing he never claimed any other."

In confiding his Syllabus to Rush, Jefferson trusted it would "not be exposed to the malignant perversions of those who make every word from me a text for new misrepresentations & calumnies. I am moreover averse," he added with a noble dignity, "to the communication of my religious tenets to the public; because it would countenance the presumption of those who have endeavored to draw them before that tribunal, & to seduce public opinion to erect itself into that inquisition over the rights of conscience which the laws have so justly proscribed. It behoves every man, who values liberty of conscience for himself, to resist invasions of it in the case of others; or their case may by change of circumstances, become his own. It behoves him too in his own case, to give no example of concession, betraying the common right of independant opinion, by answering questions of faith, which the laws have left between god and himself." [6]

The Syllabus which he enclosed was, unfortunately, only the barest outline of his deep-seated convictions on the subject. He compared the teachings of the great philosophers of antiquity—Pythagoras, Socrates, Epicurus, Cicero, Epictetus, Seneca, Marcus Antoninus—and discovered that while they were profound and inspiring in their personal precepts and in their rules for the government of individual passions, "in developing our duties to others, they were short and defective," particularly in inculcating "peace, charity & love to our fellow men."

The ancient Jews, it was true, believed in one God, "but their ideas of him & his attributes were degrading & injurious," and "their Ethics were not only imperfect, but often irreconcilable with the sound dictates of reason & morality, as they respect intercourse with those around us; & repulsive & anti-social, as respecting other nations."

Jesus, therefore, came to reform them. "His parentage was obscure; his condition poor; his education null; his natural endowments great; his life correct and innocent: he was meek, benevolent, patient, firm, disinterested, & of the sublimest eloquence."

Like Socrates and Epictetus, he wrote nothing himself; unlike them, he had no learned men to write for him. The learned, indeed, opposed him as seeking to undermine their advantages. The task of committing his life and doctrines to writing, therefore, "fell on the most unlettered & ignorant men; who wrote, too, from memory, & not till long after the transactions had passed."

The death of Jesus at an early age prevented him from "developing a complete system of morals"; hence his doctrines "were defective as a whole, and fragments only of what he did deliver have come to us mutilated, misstated, & often unintelligible." Then the "corruptions of schismatising followers, who have found an interest in sophisticating & perverting the simple doctrines he taught by engrafting on them the mysticisms of a Grecian sophist [Plato?], frittering them into subtleties, & obscuring them

with jargon, until they have caused good men to reject the whole in disgust, & to view Jesus himself as an impostor."

Nevertheless, Jefferson continued, "a system of morals is presented to us, which, if filled up in the true style and spirit of the rich fragments he left us, would be the most perfect and sublime that has ever been taught by man."

Jefferson avoided any direct discussion of the alleged Godhead of Jesus, or of his supernatural inspiration; deeming rightly that it would be pounced upon to his detriment, and all other parts of his thesis ignored. It is obvious, however, from his accompanying letter to Rush and elsewhere that he did not believe in either.

To Jefferson, the peculiar superiority of the system of Jesus lay in its inculcation of a universal philanthropy which extended "not only to kindred and friends, to neighbors and countrymen, but to all mankind, gathering all into one family, under the bonds of love, charity, peace, common wants and common aids." The others, so Jefferson believed, were interested in actions only, while Jesus "pushed his scrutinies into the heart of man," and his doctrine of a future state became "an important incentive" to moral conduct.[7]

Jefferson sent copies of his Syllabus to a selected group of friends, as well as to members of his own family, swearing them all to secrecy in the process. This was his religious creed, and he was profoundly satisfied to have placed it on paper for them to see. The statement would, he felt, enable them to "estimate the libels published against me on this, as on every other possible subject."[8] He gladly acknowledged his indebtedness to Priestley, though admitting that they differed on one or two points in their estimate of Jesus. One of these, as Priestley was quick to retort, was on the question whether Jesus had ever claimed divinity for himself. Jefferson thought he had not; Priestley was sure that he had.[9]

Jefferson was well aware of the dangers involved in thus sending out so many copies of the Syllabus. Should one of them fall into unfriendly hands, a storm of abuse, fraught with the gravest political consequences, would have descended on his head. Yet, in spite of former horrible examples, he could never resist the itch to communicate with his fellows and literally place his life and fortunes in their hands. To one such, however, he gave vent to one of his noblest utterances, and embalmed his hatred of snoopers and meddling busybodies in imperishable words.

"I never will," he avowed proudly, "by any word or act, bow to the shrine of intolerance, or admit a right of enquiry into the religious opinions of others. On the contrary we are bound, you, I, & every one, to make common cause, even with error itself, to maintain the common right of freedom of conscience. We ought with one heart and one hand to hew down the daring and dangerous efforts of those who would seduce the

public opinion to substitute itself into that tyranny over religious faith which the laws have so justly abdicated." [10]

If he hated those who sought to control the opinions of men, he evinced an equal hatred for those who attempted to enslave their flesh. There was nothing he could do about those unfortunates already in bondage, but he was determined to enforce to the fullest rigor the laws against further traffic. One Nathaniel Ingraham had been convicted and heavily fined for engaging in the slave trade. Since he was unable to pay the fine, he was clapped into jail, and powerful influences were brought to bear on Jefferson to obtain his pardon. He denied the petition at the moment, writing sharply that Ingraham's "situation, as far as respects himself, merits no commiseration: that of his wife, children & mother, suffering for want of his aid, does: so also does the condition of the unhappy human beings whom he forcibly brought away from their native country, & whose wives, children & parents are now suffering for want of their aid & comfort." Let him remain two years in prison, he declared; and then let the matter be examined again.[11]

With the whole question of the western and southwestern boundaries of the United States brought sharply to his attention by the negotiations with France and Spain, Jefferson turned his thoughts to several interrelated projects that had been in the back of his mind for years. One was the problem of how to deal with the Indian tribes who inhabited the fringes of American territory; the other, the exploration of the great and unknown reaches beyond.

From early boyhood, Jefferson had professed a vast admiration for the noble red man and, in his *Notes on Virginia* and elsewhere, had compared him favorably with the other races of mankind. But this theoretical admiration did not prevent him from viewing with a cold and practical eye the consequences of the continued existence of the Indian tribes within the confines of the United States.

In a series of letters to his Secretary of War and the Governor of the Western Territory, he laid down a policy for the eventual removal of the tribes across the Mississippi; peacefully and by purchase, if possible; by pressure and eventual force, if not. While paying lip service to peace, justice and friendship, Jefferson's graduated steps for dealing with the Indians envisaged a cynical and effective procedure for getting rid of them that held little of these abstract principles and had only expediency to commend it.

He outlined his confidential views to Governor William Henry Harrison. While "our system is to live in perpetual peace with the Indians," he commenced righteously enough, and to be just and liberal with them, and protect them from wrongs at the hands of the white man, nevertheless it must be our policy to "draw them to agriculture, to spinning and weaving," and to induce them to give up their immemorial hunting of game.

Why should this be done? So that "they will perceive how useless to them are their extensive forests, and will be willing to pare them off from time to time in exchange for necessaries for their farms and families. To promote this disposition to exchange lands, which they have to spare and we want, for necessaries, which we have and they want, we shall push our trading uses, and be glad to see the good and influential individuals among them run in debt, because we observe that when these debts get beyond what the individuals can pay, they become willing to lop them off by a cession of lands.... In this way our settlements will gradually circumscribe and approach the Indians, and they will in time either incorporate with us as citizens of the United States, or remove beyond the Mississippi."

Of course, he added, "should any tribe be foolhardy enough to take up the hatchet at any time, the seizing the whole country of that tribe, and driving them across the Mississippi, as the only condition of peace, would be an example to others, and a furtherance of our final consolidation." It was most essential, he concluded cynically, that what was happening to them be not "understood by the Indians. For their interests and their tranquility it is best they should see only the present age of their history." [12]

Jefferson was determined to present a solid front along the entire length of the Mississippi. To do this required on the one hand, the cession of New Orleans and the Floridas from their current owners; on the other, a steady and relentless pressure on the Indians to force them over to the west bank, and to fill the vacuum with a line of settlements that could provide their own protection against any assault from the other side.[13]

But Jefferson was peering also into the future. If, at the moment, he was content to push the frontiers of the United States solidly up to the line of the Mississippi and entrench there, he had a restless and active interest as well concerning what lay beyond. He foresaw that some day the empty spaces on this side of the great dividing river would be filled up with a spawning, ever-expanding citizenry. Could that self-imposed border continue to hold for generations to come against the irresistible pressures of Americans seeking new lands and further horizons? After all, was not the truly natural boundary the far-distant Pacific?

What lay, therefore, beyond the Mississippi? There were reports and rumors, and the careless talk of trappers and fur hunters who had penetrated the vastness. But much more must be known, as to habitability, natural resources, climate, etc., before the future might be envisaged and plans laid for eventual occupation.

Ten years before, when Jefferson was Secretary of State, the idea of exploring the great Louisiana region had already interested him. A Frenchman, André Michaux, had broached the possibility to the Philosophical Society, and sought subscriptions to finance the journey. Jefferson aided him in every way, and asked him to seek the shortest and most convenient route between the Mississippi and the Pacific, to report on the inhabitants,

geography, flora and fauna; and particularly to determine whether any mammoths still roamed the uncharted spaces.[14] The proposed expedition, however, never eventuated.

Perhaps that perennial interest in the possibility of live mammoths, indigenous llamas similar to those of Peru, mountains of pure salt, and other natural wonders, motivated Jefferson as much as the dream of future imperial expansion. In any event, he had nurtured the seed throughout the years, and now that he was President, proposed it formally again.

Taking advantage of the current preoccupation with the peripheries of the United States, Jefferson sent a confidential message to Congress on January 18, 1803, months before Monroe sailed on his mission to France. He cloaked his real aims under the cover of the continuance of an act establishing government trading posts with the Indians. Since private traders, thus forced out of business, were resentfully exciting discontent among the Indians, why not, he asked, divert their hopes of profit in the direction of the Missouri River? Thereby two birds could be killed with one stone. The government traders would be left in undisputed possession on this side of the Mississippi, with the aim of bringing the Indians eventually into debt and forcing the sale of their lands; while the dispossessed private traders could open up a new territory for trade that now went exclusively to Great Britain.

"An intelligent officer," he proposed, "with ten or twelve chosen men . . . might explore the whole line, even to the Western Ocean," and return in two summers with valuable information.

Great Britain, naturally, might object to our invasion of their hitherto exclusive domain. Remembering how he had once fumed over an earlier British proposal to explore this same territory under the guise of philosophical benefits, Jefferson now intended neatly to turn the tables. Let us, he told Congress, announce the venture "as a literary pursuit"; while the necessary appropriation for expenses could be hidden under the guise of "extending the external commerce of the United States." [15]

Congress agreed, and Jefferson immediately acted. The first, and most important, job was to find the right leader or leaders. The qualifications were difficult: he must join daring, prudence, familiarity with existence in the woods and the Indian character with a perfect knowledge of botany, natural history, mineralogy and astronomy. Fortunately, he had just the right man close at hand—Meriwether Lewis, his own private secretary. That young man had seen service in the West and Southwest under General Wilkinson, and he had, under Jefferson's guidance, trained himself in the methods of fixing latitude and longitude. The President felt, however, that a co-leader was essential, in case of the death or disablement of one, and he gave Lewis permission to pick his confrere.[16] Lewis chose young William Clark, also from Albemarle, who had been in the army and seen Indian fighting. William's qualifications gained greatly in Jefferson's estima-

tion from the fact that his older brother was none other than the famous George Rogers Clark.

Jefferson wasted no time in getting the expedition started. He promptly released Lewis from his duties as private secretary, and appointed another young neighbor from Albemarle, Lewis Harvie, in his stead.[17] He managed to obtain permission for the journey from the interested governments of Spain, France and England on the plea that it was purely scientific and "literary" in intention.[18] He issued detailed instructions to young Lewis. He was to explore the Missouri River, and such headwaters as might connect with the Pacific; to take careful notes of his course, landmarks and portages; to study the native Indian tribes, their customs, languages, possibilities of trade, etc.; to report on soil, animals, minerals and climate; and to keep a full journal of everything he did and saw. Should he manage to reach the Pacific, he was to determine whether furs from that area might not be shipped back to the United States on the Missouri River. If, in his judgment, returning by land would prove unsafe, then the expedition was to take boat and come back by the long sea voyage.[19]

All of these preparations, it must be remembered, were made before Louisiana, the territory to be traversed, had come within the jurisdiction of the United States. Jefferson had hoodwinked the countries involved into granting passports, but it is extremely doubtful that they would have been honored had the true purposes of the expedition been known. Certainly, England would not have watched with a benign eye her fur trade snatched from her grasp; and Napoleon would have instantly understood the precise meaning of this "literary" exploration of his territories. Fortunately, before Lewis and Clark finally got under way, and plunged into the forbidden unknown, the whole matter was neatly solved by events in Europe.

James Monroe sailed for France on March 8, 1803. Jefferson primed Robert R. Livingston, already on the ground, in advance of Monroe's coming and of Dupont's unofficial mission. They were all to work together, said the President, since "the future destinies of our country hang on the event of this negotiation." [20]

He was even franker with Dupont. "Our circumstances," he instructed the Frenchman, "are so imperious as to admit of no delay as to our course; and the use of the Mississippi so indispensable, that we cannot hesitate one moment to hazard our existence for its maintenance. If we fail in this effort to put it beyond the reach of accident, we see the destinies we have to run, and prepare at once for them." [21] This was the language of war; or at least they were skillful phrases to be dropped deftly into the minds of the French without, however, any commitment to back them up.

The fact that Livingston might feel resentful over having Monroe thus summarily conjoined with him, if not indeed superseding him, did not bother Jefferson or Madison one whit. Madison was thoroughly critical of Living-

ston, complaining sharply to Jefferson of his unsatisfactory letters. They were "enigmas" and remarkable for their paucity of facts; yet they undertook to "prescribe measures, without hinting even the reasons for them." And certainly Livingston showed considerable naïveté in entrusting *unciphered* dispatches to a British minister for transmission to Madison.[22]

Livingston, on the other hand, bitterly resented the appearance of Monroe on the scene. "I cannot wish, sir," he wrote back to Madison as soon as he heard of the proposed mission, "that my fellow-citizens should not [*sic*] be led to believe, from Mr. Monroe's appointment, that I had been negligent of their interests, or too delicate on any of the great points entrusted to my care. I trust that a communication of my notes to some of them would show that I had gone as far as it was possible for me to go, and perhaps further than my instructions would justify." [23]

He was the more uneasy because Talleyrand was using the new appointment as a lever for delaying further negotiations with him, and hinting slyly that he had been displaced in the negotiations.[24] To which Livingston, in hot resentment and seeking to bring matters to a head *before* Monroe arrived, pressed for an immediate answer from the wily French minister, retorting with some asperity that he had *not* been superseded.[25]

As a matter of fact, Livingston had been doing a good job under extraordinary handicaps. He properly complained that full instructions had not been sent him from home (Jefferson's letter of February 3, 1803, did not reach him until after Monroe arrived) and that energetic measures by the home government were essential to strengthen his hand in dealing with the shifty and evasive French court.[26]

Back home, the government was moving slowly but surely toward a definite policy. On March 2nd, Madison issued a new and precise set of instructions for Livingston and Monroe to follow. After an argumentative history of past events designed to convince France that it was to her best interests to come to terms with the United States, he offered the following plan: 1) France to cede all territories *east* of the Mississippi, including the island of New Orleans and the two Floridas, and to keep the territories *west* of the river; 2) the navigation of the Mississippi "in its whole breadth from its source to the ocean" to be equally free to France and the United States; 3) the United States to pay (amount left blank) millions of *livres tournois* for the cession; 4) the inhabitants of the ceded territories to be incorporated as citizens of the United States on an equal footing and without unnecessary delay and, in the meantime, to be secure in their persons, property and religion; 5) the envoys were confidentially advised that Jefferson had made up his mind to go as high as fifty million livres "rather than lose the main object. Every struggle, however, is to be made against such an augmentation of the price, that will consist with an ultimate acquiescence." As a matter of fact, declared Madison, weakening the instructions still further, the United States was ready to take even a *part* of the island of New Orleans, and omit the Floridas altogether, provided it

received rights of deposit and free navigation of the rivers emptying into the Gulf of Mexico through that territory.[27]

To such a whittling down of the original aims, couched by Jefferson in bold and menacing language, had the American government finally descended. In truth, Jefferson was correct in his later statement to the British: "Peace is our passion, and wrongs might drive us from it. We prefer trying every other just principle, right and safety, before we recur to war."[28]

Yet, though peace was Jefferson's "passion," he played his cards skillfully at home; frightening the French Minister, Pichon, with what seemed to be furious negotiations with the British. Actually, the alleged negotiations had not proceeded beyond certain winks and nods. It is true that the Cabinet had decided to instruct Livingston and Monroe, in the event that no arrangement could be made with France, "to use all possible procrastinations with them and in the meantime enter into conferences with the British Govmt. thro' their ambassador at Paris to fix principles of alliance, and leave us in peace till congress meets, & prevent war till next spring."[29]

But this was mere shadowboxing; anything to hold off the day of judgment. A month later, the Cabinet was debating another question: in the event of war between England and France, should the United States issue a proclamation of neutrality? It was 1793 all over again, but with a situation completely different. Nevertheless, Jefferson and his Cabinet took a position not far removed from that which Jefferson had advocated on the former occasion. The United States ought not to assure anyone of her neutrality without receiving a price for it. There was indeed some opinion that the outbreak of such a war would give us an opportunity to obtain New Orleans; but in the event direct negotiation failed, then the Cabinet became exceedingly vague. Should we take it by force? Should we encourage a declaration of independence on the part of the citizenry and enter into an alliance with the new State? The Cabinet shilly-shallied, finally agreeing to leave the point for future consideration and not to enter into any binding convention with France that would not give us either the whole of New Orleans, or a sufficient part of the island on which to erect a town of our own.[30]

Even at this late date, Jefferson was not very sanguine of getting New Orleans, much less the Floridas. He was sufficiently satisfied that Spain had disavowed the summary action of her Intendant in closing that vital port to the deposit in transit of American goods. Thus, he exclaimed exultantly, "by a reasonable and peaceable process, we have obtained in 4. months what would have cost us 7. years of war, 100,000 human lives, 100 millions of additional debt."[31] In his enthusiasm, he exaggerated somewhat.

If Jefferson's desires had thus been scaled down to an exceedingly modest level, in France, all unknown to him, matters were moving swiftly to a

surprising denouement. Almost overnight, the hostile climate in which Livingston had found himself enveloped had subtly changed.

The grand expedition which Napoleon had intended for New Orleans to occupy it and the rest of his new possessions had, by force of circumstances, been diverted to the turbulent island of St. Domingo. There the proud French veterans met with defeat and disaster. The news traveled all too speedily back to France, and Napoleon, early in January, was forced to reconsider all his grandiose plans for a new and greater empire across the seas. If St. Domingo were lost—and with it a secure base in the Caribbean—of what use would Louisiana be to him? Almost overnight he determined to let the barren wilderness in North America go, and devote his full attention instead to the continent of Europe and northern Africa.

Pichon, too, was sending dismal news from the United States. "It is impossible," he wrote Talleyrand, "to be more bitter than this Government is at the present posture of affairs and at the humiliating attitude in which our silence about Louisiana places them.... Mr. Jefferson will be forced to yield to necessity his pretensions and scruples against a British alliance. I noticed at his table that he redoubled his civilities and attentions to the British *chargé*." Jefferson was putting on an excellent show for the benefit of the Frenchman.

Since Napoleon now planned a fresh war with England, Louisiana was a liability rather than an asset to him. What would prevent that nation, in command of the seas, from seizing it? On April 10, 1803, therefore, he informed his Finance Minister, Barbé Marbois, that he was thinking of ceding Louisiana to the United States. "I can scarcely say that I cede it to them," he added, "for it is not yet in our possession. If, however, I leave the least time to our enemies, I shall only transmit an empty title to those republicans whose friendship I seek. They ask of me only one town in Louisiana; but I already consider the colony as entirely lost; and it appears to me that in the hands of this growing Power it will be more useful to the policy, and even the commerce, of France than if I should attempt to keep it." [32]

The next day he made it specific. "I renounce Louisiana," he exclaimed to Marbois. "It is not only New Orleans that I cede; it is the whole colony, without reserve.... I direct you to negotiate the affair. Have an interview this very day with Mr. Livingston." [33]

Meanwhile, Livingston had been assiduously if somewhat hopelessly bombarding Talleyrand, Napoleon, every French official to whom he could obtain access, with memorials, letters, protests and increasingly plain talk. Some of the significance of the disaster at St. Domingo penetrated his mind, and he redoubled his efforts to obtain some sort of settlement before Monroe came and thereby shared in or even monopolized the glory of success.

But he was not prepared for the breath-taking query that Talleyrand, in

the course of Livingston's usual demands, suddenly fired at him on April 11th. "Would the United States," asked Talleyrand, "wish to have the whole of Louisiana?"

Livingston, absorbed in his own line of thought, did not at once catch the full significance of what seemed a casual and offhand remark. "No," he replied. All that we wished was New Orleans and the Floridas. Perhaps, though, he added cautiously, we might be able to use the country above the Arkansas River. But Talleyrand brushed half measures aside. Without New Orleans, he asserted, the rest of Louisiana was of little value to them. "What would we give for the whole?" Somewhat flabbergasted, and still not certain he was not being hoaxed, Livingston suggested tentatively 20,000,000 livres, *provided* the spoliation claims were met out of the fund. Too low, retorted Talleyrand. Think it over by tomorrow.

But Monroe had already landed in France, and was due in Paris by the 13th of April, two days after this momentous conversation. Livingston said he would have to consult with the newly arrived envoy before making any further offer.[34]

When Livingston retired to his own chamber to digest the sudden turn of events, he realized he had made a fool of himself. Here was a vast and glittering project dropped suddenly in his lap, and he was going to wait for Monroe to come and cheat him of the prize! The next day, April 12th, he awoke and hastened to Talleyrand to clinch the deal immediately. Yet he dared not increase his offer without Monroe's consent; and the wily French minister persisted in shrugging the whole idea off as merely a passing thought of his own without authority.

When the American returned to his own house that evening, he found a note from Monroe. The new envoy was already in Paris, and wanted to talk over the entire situation the following morning with Livingston. On April 13th, the two men met at Livingston's apartment. They passed the day exchanging information and examining documents. By a remarkable coincidence, Marbois *happened* to be taking the air in Livingston's garden at the particular moment when the American envoys left their paper work and sat down to dinner. Naturally, Livingston invited Marbois in. Then the two men, much to Monroe's inner fury, strolled into another room and left Monroe fuming helplessly over the remains of the dinner. By this time Monroe knew that Livingston was not too happy over his arrival, "since it took from him the credit of having brought everything to a proper conclusion without [Monroe's] aid."

The next thing Monroe heard was that Livingston and Marbois had arranged another *private* interview at Marbois's house; again leaving Monroe out in the cold.

That conference took place at eleven at night; and for the first time Livingston was told what he had suspected all along, that the proposition had come from Napoleon himself. The price for Louisiana was 100,000,000 francs, and the United States was to take care of the spoliation claims to

its own citizens (amounting to about 25,000,000 francs). Livingston put a surprised look on his face, and retorted that the sum was out of the question; that anyway all that we wanted was New Orleans and the Floridas for 10,000,000 francs. Marbois pressed for an offer on the whole, hinting that 60,000,000 francs plus the claims might be considered. With that, Livingston went home to confer with the impatient Monroe.[35]

Monroe was in a dilemma. He felt that Livingston was trying to steal the show from him, yet he dared not refuse to allow his fellow envoy to proceed on the path so providentially opened; or he might be charged afterwards, in the event of failure, with having sabotaged the negotiations because of personal pique. Therefore, while insisting that Livingston make no official offer, he permitted him to *suggest* to Marbois that we would buy Louisiana for the price already offered for the territory *east* of the Mississippi alone; provided that France would relinquish all pretensions to the Floridas and support our claims to them against the Spaniards.[36]

The calm impudence of such an offer is truly amazing. But by this time, the Americans had correctly gauged the frantic desire of Napoleon to rid himself of this burden before the British grabbed it, and were negotiating accordingly.

They almost overreached themselves, however. A week of fruitless bargaining ensued, with the French attitude abruptly stiffening. In fact, Napoleon almost changed his mind; and his brothers, Lucien and Joseph, hearing of the contemplated sale, hastened to upbraid him violently for his treachery to France. They caught their famous brother in his bath, and berated him in audacious language.[37] Perhaps it was his anger at being harangued that determined Napoleon's waverings, and made him stubbornly decide to go through with the deal.

Monroe meanwhile had taken ill, and most of the burden fell on Livingston. Both were in a curious position. Nothing in their official instructions authorized them to discuss Louisiana; indeed, they were limited strictly to New Orleans and the Floridas. Yet months must necessarily elapse before letters requesting and granting the requisite authorizations could travel over the Atlantic, and in that time a thousand accidents might arise to banish the chance forever. For once, therefore, Livingston was happy to share the responsibility of proceeding without power.[38]

On April 27th, the impasse broke. Marbois, in company with Livingston, came to the ailing Monroe. Marbois had two proposed treaties in his pocket. One was official, reiterating the original terms of 100,000,000 francs and 20,000,000 for the spoliations. But he himself disarmingly admitted that they were harsh and unreasonable, and thereupon pulled out of his pocket a *second* proposal which, so he said, was his own—calling for a total of 80,000,000 francs, *including* the spoliations.

After the meeting, Livingston drafted a counterproposal which Monroe sourly reported as "very loosely drawn." This differentiated between the

two sums—the Americans feared that if they were lumped, and so paid over to Napoleon, that worthy might *forget* to pay the American spoliation claims out of it—and offered 50,000,000 on the purchase, and an additional 20,000,000 which the United States would pay its citizens.

On April 29th, Monroe having recovered somewhat, the two envoys went to Marbois with their counteroffer. Marbois insisted on the original terms, and the Americans finally agreed. On May 1st, Monroe was presented for the first time to Napoleon, who graciously told him that "our affairs should be settled." On May 2nd, a French-language treaty was signed for the cession of Louisiana to the United States for 60,000,000 francs; copies in English were signed several days later. And, some days after, a convention was signed whereby, on the basis of 20,000,000 francs, the United States agreed to settle its spoliation claims against France and make payment to its own citizens.[39] The total sum, therefore, that was paid for Louisiana, New Orleans and an inchoate claim against the Floridas came to $16,000,000 in American money. Since, however, the spoliation claims had amounted to considerably more than the sum agreed on for taking care of them, the American government found itself in endless difficulties later with its own citizens in settling the accounts.

It was a great triumph, nevertheless; the greatest in the entire history of American diplomacy. A vast new territory had come unexpectedly into American hands; one that doubled the size of the nation. The history of this country, of the world, and of the generations to come, would have been unpredictably different had not Napoleon suddenly decided to throw Louisiana into the bargain. The historian can only cautiously speculate on possibilities. Had the sale not been consummated, and Great Britain seized the territory in the ensuing war, the United States might well have been confined to the east bank of the Mississippi and become a second-class power. Or, as was more probable, the irresistible pressure of population would have forced her into a series of devastating wars with Great Britain which, no matter how they ended, would have set a pattern of relations between the two English-speaking powers that would have had the most far-reaching and incalculable consequences on the course of world history.

Livingston truly said, in his triumphant cry to Rufus King—allowing understandably for his dismissal of whatever part Monroe played in the proceedings: "You may congratulate me upon having obtained by the most unwearied exertion a treaty which whether well or ill-rec'd I am content to be charged with to my latest posterity."[40]

CHAPTER 53

Sub Silentio

THE treaty for the purchase of Louisiana was sent with some inner trepidation by the envoys to America. "An acquisition of so great an extent was," they acknowledged, "we well know, not contemplated by our appointment; but we are persuaded that the circumstances and considerations which induced us to make it, will justify us in the measure to our Government and country." [1]

According to the terms of the treaty, Louisiana was transferred "with the same extent that is now in the hands of Spain and that it had when France possessed it, and such as it should be after the treaties subsequently entered into between Spain and other States." The Americans tried hard to find out just what was this pig in the poke which they had purchased, but were met with smiling evasions from the French. Napoleon must have chuckled as he told Marbois: "If an obscurity did not already exist, it would perhaps be good policy to put one there." [2] Livingston asked Talleyrand in vain what were its eastern boundaries, and what the French had actually intended to take from Spain. All that he received was a monotonous: "I do not know." A light burst on the American. "Then you mean that we shall construe it our own way?" he inquired. Talleyrand shrugged. "I can give you no direction. You have made a noble bargain for yourselves, and I suppose you will make the most of it." All that he was ready to say was that the Floridas were not included; though Napoleon had indicated orally—refusing to incorporate it in writing—that he would support the United States in negotiating for them with Spain.[3]

Livingston, considering the matter in the privacy of his own chamber, determined for himself that at least West Florida—the Gulf Coast between the Mississippi and East Florida (approximately what is now known as Florida)—came within the purchase. He wrote to Madison: "Now, sir, the sum of the business is, to recommend to you, in the strongest terms, after having obtained the possession, that the French commissary will give you, to insist upon this as a part of your right; and to take possession, at all events, to the river Perdido. I pledge myself that your right is good; and, after the explanations that have been given here, you need apprehend nothing from a decisive measure." [4] And later Monroe joined him in a similar assurance that it was "incontrovertible that West Florida is comprised in the cession of Louisiana." [5]

Actually, it was nothing of the sort, and went directly counter to what Talleyrand had expressly told them. But the envoys, uneasy over the fact

that they had not followed their instructions, which called for the acquisition of the Floridas—even though they had acquired New Orleans in the larger purchase of Louisiana—sought to bluster it out and were willing to accept the consequences of possible war with Spain by advocating a forcible seizure.

Another matter rose to plague the envoys. Barely was the ink dry on the treaty and a form of ratification for the Government of the United States drafted, than Napoleon repented of the bargain. He asserted that the whole of the spoliations amounted to no more than 4,000,000 francs, and that the United States had received 20,000,000 to pay them; that the ratification by France should not have been delivered to the American envoys but should have been sent to Pichon to hold until it could be exchanged for the American ratification; and that unless the stock called for on the spoliations was delivered within the prescribed period, the entire treaty was void. In great alarm, Livingston wrote directly to Jefferson that "we must as far as possible soothe the youthful Conqueror whose will knows no resistance," and that the President must guard against any delays or even the slightest change in the form of the ratification; "for be assured," he concluded, "that the slightest pretence will be seized to undo the work." [6]

There was good reason for Napoleon's change of heart. The moment Spain heard of the treaty which had been pushed through secretly and in such haste she entered the strongest possible formal protest against the intended sale. For one thing, she had not yet transferred Louisiana to French sovereignty; for another, the sale or *any* form of alienation had been expressly prohibited to France by the terms of the treaty of retrocession.

It is true that Spain, living in the shadow of the great conqueror, and an unwilling ally to him, had been in a sense compelled to retrocede Louisiana; but what had made the compulsion somewhat more palatable was the consideration that France would be better able to hold the territory against an aggressive United States. By thus creating a buffer state between the imperial-minded Americans and their own precious possessions in Mexico, Central and South America, the Spaniards had congratulated themselves that at least the latter had been made safe for the indefinite future. What was their horror, therefore, to find out that France had double-crossed them, and that the terrible Americans had actually been placed squarely on the borders of Mexico and California.

"This alienation," wrote the Spanish Minister in France angrily to Talleyrand, "not only deranges from top to bottom the whole colonial system of Spain, and even of Europe, but is directly opposed to the compacts and formal stipulations agreed upon between France and Spain." He therefore "hoped" that the arrangement would be revoked. [7]

Thus harried both in Paris and in Madrid, Napoleon sought to throw the blame on Spain, resorting to barefaced prevarication in the process. He

had done what he did, he retorted, because Spain had first broken her own pledges. She had promised him, so he said, to sustain the Intendant at New Orleans in his prohibition of American deposits; and she had since reversed him and weakly granted that inestimable right to the Americans. Thereby, he claimed, the entire colony had become less valuable to the French.[8] All of which was made up of whole cloth, but gave Napoleon a sense of being in the right.

At home, while waiting for news of the final negotiations from France, Jefferson found himself confronted with a series of domestic problems; some personal and some political.

He had been suffering from a diarrhea almost from the moment he had entered the Presidency, a condition which he attributed to some tainted fish he had eaten. He kept experimenting with diets, and finally concluded that fish brought on further attacks, though oysters and crabs did not. He found that riding helped—a form of treatment that was thoroughly agreeable to such an ardent horseman as Jefferson.[9]

He was also entering on a long, tangled and acrimonious litigation with Henderson, a neighbor whose land adjoined his Albemarle properties. His agent had purchased the rights to the Henderson property, proposing to take title in his own name so that Jefferson would not be known in the transaction. But Jefferson found difficulty in meeting the payments. Henderson, according to the agent, Craven Peyton, had commenced a lawsuit with "fraudulent intentions." In retaliation, Peyton wanted to tear down a dam which Henderson had placed on the stream feeding Jefferson's mill, thereby rendering it useless. Not content with thus straddling Jefferson's land, Henderson had also built "an excellent canal" to divert further the waters from his hated neighbor; but Peyton triumphantly reported that he had obtained a restraining order. Henderson's land to which the whole dispute attached, amounted to only four acres; and Jefferson was willing to purchase it as well as his mill; but indignantly refused to pay an excessive price for it.[10] The litigation was further complicated by the fact that Henderson's wife, possessing dower rights, lived in Kentucky and cannily put obstacles in the way, unless she received what she conceived to be a good price for a waiver. The quarrel and the court proceedings were to drag on in bitterness and recriminations for long, weary months.

More to Jefferson's taste was the formal entry of both his sons-in-law into politics. Young John W. Eppes had offered for Congress in place of the old Republican stalwart, William Branch Giles, and had been elected. Giles had been ailing for some time; and though Jefferson regretted his loss, he was happy to see Eppes take his seat; the more so since it meant that both he and Maria would necessarily come to Washington.[11]

Thomas Mann Randolph had also been elected, though after a disagreeable campaign which almost made him wish he had not, and by such a

small majority that there was talk of a recount. He had finally given up his project to emigrate to Georgia and raise cotton, but his private affairs were in very bad shape. Jefferson optimistically offered to help, once he cleared off his own pressing debts. Perhaps, he wrote, by the end of this second term in office, "(which will certainly be my last) I can see all of us out of debt and my mill & farms in such a state as to supply the expences of living to which the [termination?] of my political life will expose me, I fear unavoidably." [12]

An even more pleasant election was that of John Page, who had become Governor of Virginia. Jefferson was thereby relieved, at least temporarily, of the weight of supplying Page with public office to keep him from actual starvation; a delicate enough business which Page sufficiently appreciated, though it had aroused sarcastic comments from others not thus fortunately fortified by the President of the United States. But Jefferson stuck to his indigent friend through all hostile criticism; and even after Page's governorship lapsed—and with it his income—sought further federal perquisites for him. "We were affectionate friends & inseparable companions in youth," Jefferson wrote warmly, "and have always preserved our feelings with mutual fidelity to each other through the stormy times into which we were thrown." [13]

Jefferson was certain he was climbing out of debt, yet his own figures belied him. For the year ending March 4, 1803, he estimated his expenses at $27,720.92. His income for the same period, including presidential salary, profits from tobacco, rents and the nailery, amounted in all to $26,446.99; and this happened to be one of his better years.[14]

All that one has to do is to note the reckless stocks of wine that flowed and vanished in the President's House—he estimated that from 415 to 500 bottles of champagne alone were used every year—as well as the lavish purchases of books and scientific instruments, to understand that Jefferson would never be able to balance his personal budget, whatever was the fate of the national one.[15]

As the titular head of the Republican party, as well as the President of the United States, Jefferson kept a close watch on local politics and elections. The results in Pennsylvania were most gratifying. Both Senators and eighteen Representatives were triumphantly Republican; and Governor McKean hastened to assure him that he could vouch for their orthodox politics personally, though admitting, somewhat ruefully, he would have been happier "if some of them had a little more learning & knowledge, or a little more diffidence than what is attributed to them." He also wanted to prosecute certain Federalist editors in the state for libel; and asked Jefferson's advice.[16]

The President congratulated him on the political victory; and, with reservations, approved of *State* prosecutions for libel. What he had to say on this ticklish subject is intensely interesting. "The Federalists," he wrote confidentially, "having failed in destroying the freedom of the press by

their gag-law, seem to have attacked it in an opposite form, that is by pushing its licentiousness and its lying to such a degree of prostitution as to deprive it of all credit.... This is a dangerous state of things, and the press ought to be restored to its credibility, if possible. The restraints provided by the laws of the states are sufficient for this if applied: and I have therefore long thought that a few prosecutions of the most eminent offenders would have a wholesome effect in restoring the integrity of the presses. Not a general prosecution, for that would look like persecution: but a selected one." In fact, Jefferson had an editor already in mind, and sent along a copy of one of his articles on which a prosecution might be predicated.[17]

In the same letter, he complained of the ever-increasing patronage pressure upon himself, and delivered himself of some choice remarks on the itch for public offic. "Office," he observed, "began to be looked to as a resource for every man whose affairs were getting into derangement, or who was too indolent to pursue his profession, and for young men just entering into life. In short it was poisoning the very source of industry, by presenting an easier resource for a livelihood, and was corrupting the principles of the great mass of those who cast a wishful eye on office."

Jefferson thought of the business of government essentially as requiring little or no professional skills, and was convinced that any intelligent man of affairs, versed in the ordinary business of life, could assume administration during interludes from his proper affairs, and carry it through successfully. This concept of government as an avocation rather than a permanent profession became a part of the American scene; and even the advent of civil service and tenure has done little to change it.

He was always to be peculiarly sensitive to the charge that he was deliberately replacing Federalists with Republicans in office. When the New York *Post* adverted to it editorially, he broke his lifelong rule against answering charges by composing a reply which he anonymously sought to have printed in a Massachusetts paper under the pseudonym of "Fair Play." He went to extreme lengths to hide his identity, sending it to his Attorney General, Levi Lincoln, and asking him to recopy it so that his handwriting would not be detected. The article was written in the best name-calling tradition of the day.[18]

The news that the American envoys had purchased all the vastness of Louisiana as well as New Orleans hit Jefferson and his administration with the force of a thunderbolt. Jefferson had instructed Livingston and Monroe to seek New Orleans and the Floridas, for which he was willing to pay up to $2,000,000. But he had had no real hope of success even in this limited area. He would have been willing to settle for New Orleans alone; or even for a strip of contiguous land on which to build a port for deposit and transshipment, so long as the Mississippi would be open to navigation.

Now there was dumped into his hands an empire—huge, unknown,

unpeopled except for wandering Indian tribes, and stretching vaguely to the distant western ocean. But he was *not* certain that he had the Floridas, which were as important to the Southern States as New Orleans and the Mississippi to the Western. It is true that the envoys insisted that the Floridas were included, but their interpretation was farfetched and would certainly lead to trouble with Spain.

Other serious considerations were involved. The amount to which the envoys had bound themselves was $16,000,000—a staggering sum to an administration dedicated to parsimony in government, and besides, unauthorized by Congress. What about the Constitution? Could any clause be found therein permitting the acquisition of an external empire, parts of which, according to the terms of purchase, were eventually to become equal States in the Union? Would not such an interpretation, even if desirable, contradict utterly the fixed Republican dogma and the trumpeted tenets of the Kentucky and Virginia Resolutions?

The great news broke in the United States at the end of June, 1803, and created a sensation. The Republicans hailed it with tremendous rejoicings, and the Federalists with forebodings that the end of the world had come. The reactions were strictly along party lines, with positions strangely reversed: the Republicans now forgetting or dismissing Constitutional qualms, and the Federalists heatedly calling attention to them. For the new territories, if ever incorporated into the Union, would obviously be Republican in character; and Federalism, already in the minority, would suffer a mortal blow from which it would never recover.

Jefferson's first reaction was that the opportunity to double the territory of the United States should not be refused; his second, that the Constitutional power to receive it was extremely doubtful. It was true that Gallatin had already argued that the United States had the power to assume new lands, but Jefferson, though admitting the doctrine in part, thought it safer to seek an amendment to the Constitution permitting the transaction.[19]

He drew up two drafts of such an amendment, specifically permitting the incorporation of Louisiana into the United States, and investing the federal government with jurisdictional powers somewhat similar to those it had possessed over the Northwest Territory.[20]

These he sent to members of his Cabinet for consideration. Gallatin did not reply, considering perhaps that his earlier letter had stated his position adequately. Robert Smith, Secretary of the Navy, believed that Jefferson had engrafted too many restrictions on the powers of the government, and proposed a more general enabling amendment.[21]

The Cabinet met to consider the whole question on July 16th. It was agreed that the purchase should be made, and that Congress be convened on October 17th to ratify the transaction. It was also agreed that Monroe (no mention was made of Livingston) should be instructed to purchase, if possible, both Floridas at the price already agreed upon; if he could not, to seek full rights in all the rivers rising within the United States and flowing

into the Gulf of Mexico and the ocean. At this time, obviously the Cabinet did not see eye to eye with Livingston that the Floridas had been included in the original idea. "We are more indifferent about pressing the purchase of the Floridas," was their remarkable conclusion, "because of the money we have to provide for Louisiana, & because we think they cannot fail to fall into our hands." [22]

Jefferson insisted on playing up Monroe's role in the proceedings because the Federalists, though grumbling at the result, were just as eager to give the credit to Livingston. Jefferson also declared that he had foreseen this eventuality as long before as 1801, and had accurately forecast the progress of the European war which had made the acquisition possible. He considered it a triumphant vindication of his thesis that European wars were America's opportunity; and that if this country only waited long enough, the nations of Europe would bid for the price of its neutrality.[23]

But what were the actual boundaries of Louisiana? Napoleon had left them purposely vague. Livingston had convinced Monroe that they included the Floridas. Jefferson cautiously avoided that point for the moment. But his interest in the matter was naturally intense; as it remained throughout his life on this noble accession which became the high spot of his administration. He diligently studied all the old maps, charters and books on the subject, and set forth their contents and his conclusions in a series of detailed memoranda. Later on, he drafted personally most of the measures for Congress to consider in the government of Louisiana and for its future destiny.[24]

His researches convinced him that it included all the headwaters of the Mississippi and Missouri rivers; he thought we might claim along the Gulf westwardly to the Rio Norte or Bravo, and eastwardly perhaps to the Rio Perdido, which flowed into the Gulf between Mobile and Pensacola. But these claims, he significantly added, "will be a subject of negociation with Spain, and if, as soon as she is at war, we push them strongly with one hand, holding out a price in the other, we shall certainly obtain the Floridas, and all in good time. In the mean while, without waiting for permission, we shall enter into the exercise of the natural right we have always insisted on with Spain; to wit that of a nation holding the upper part of streams, having a right of innocent passage thro' them to the ocean. We shall prepare her to see us practice on this, & she will not oppose it by force." [25]

As for Louisiana itself, he continued, though the Constitution revealed nothing to justify its acquisition, Congress *must* ratify the purchase, "casting behind them Metaphysical subtleties" and throw themselves upon the country for approval. Using the analogy of a guardian and his ward, the deed must first be done, saying: "I pretend no right to bind you. You may disavow me, and I must get out of the scrape as I can." But, declared Jefferson, reverting to himself in *propria persona*, "we shall not be disavowed by the nation, and their act of indemnity will confirm & not weaken the constitution, by more strongly marking out its lines."

At this moment, it was his intention to ratify, but to go to the country with his Constitutional amendment to make the purchase legal ex post facto. Then alarming news came from France which compelled him to change his mind, and drop all idea of an amendment, at least for the present. This was the letter from Livingston on June 2nd, and a similar one from Monroe, to the effect that Napoleon regretted the sale and would seize any pretext to undo it. If Jefferson therefore placed before Congress his Constitutional amendment, thereby acknowledging his doubts, to say the least, of their authority to enter into the transaction, he might furnish sufficient ammunition to the Federalists for influencing wavering members, and see the coveted prize slip from his grasp altogether.

He therefore shifted his tactics. No longer must Congress be apprized of those doubts, no longer must the analogy of the guardian and ward be produced for their attention. Ratification must be slipped through smoothly and swiftly, without a murmur of Constitution or misgivings. He thereupon notified all his stalwarts in Congress and in the Cabinet of the new role they must play, and the line they must adopt.

Let Congress do what it has to do, he exhorted his followers, "*sub silentio*" and "with as little debate as possible, & particularly so far as respects the constitutional difficulty." The less said about it the better. Let not a day's delay intervene, lest the day for ratification pass and France thus be given the right to void the sale.[26] Haste and silence were the watchwords.

His followers, however, did not share his qualms as to the alleged Constitutional difficulty. In fact, they showed a marked distaste for bringing it up. Ironically, the two men most involved in the ringing phrases of the Kentucky Resolutions—John C. Breckinridge and Wilson Cary Nicholas—evinced not the slightest concern over a constitutional question far more fundamental than the Federalist encroachments against which they had inveighed. Nicholas thought his chief a little strait-laced about the whole affair and his conscience too tender. In the very best Federalist vein, he somewhat tartly informed Jefferson that *his* examination of the Constitution disclosed a sufficiency of power not only to make such a treaty, but to admit new states from the acquired territory as well.[27]

Jefferson was willing enough to be pushed into a position he secretly favored, yet such an open avowal of "Federalist" doctrine compelled him, at least theoretically, to defend his thesis. "I had rather," he replied to Nicholas, "ask an enlargement of power from the nation, where it is found necessary, than to assume it by a construction which would make our powers boundless. Our peculiar security is in possession of a written Constitution. Let us not make it a blank paper by construction." Having thus salved his own conscience, Jefferson ruined his position by adding: "If, however, our friends shall think differently, certainly I shall acquiesce with satisfaction, confiding that the good sense of our country will correct the evil of construction when it shall produce ill effects."[28] But he had

never allowed the Federalists the luxury he was now willing to permit himself.

Gallatin, the strictest of strict constructionists, agreed in principle with Nicholas. He even pooh-poohed the idea that France would try to back out of the agreement. Jefferson had asked him to prepare a bill ratifying the treaty, and for the issuance of stock to cover the purchase price, so that it might be submitted to Congress on the first or second day of the session. If the matter could be attended to by the legislators "without talking" and without delay, an armed ship would be ready to take both ratification and stock to France on October 31st. To which Gallatin retorted that a bill was being prepared to put the treaty into effect, but that Jefferson could not expect that "the house will take up the subject before a ratification or decide without much debate & opposition." [29]

But if Gallatin was inclined to dismiss the idea that time was of the essence, the envoys took a far more serious view. Monroe, fearing that Napoleon would seize upon any delay in the financial end of the arrangements as a reason for abrogation, offered to guarantee payment through the English banking firm of Hope and Baring. Livingston objected strongly to such a guarantee as going beyond their powers; but Monroe insisted that his instructions *had* given him the power.[30]

Spain, naturally, looked upon the entire proceedings with mingled anger and dismay. She had been deliberately double-crossed by Napoleon and had entered her formal protest; yet dared not go too far because she lay helpless under the mighty paw of her supposed ally. She entered her formal protest as well to the United States; but felt her helpless position in that direction almost as keenly.

Yrujo, Spain's Minister to the United States, called Madison's attention to the fact that France had disregarded her most solemn engagements not to alienate Louisiana, and insisted that France had no right to sell, nor the United States to buy.[31] Madison dismissed the protest cavalierly, expressing surprise at Spain's surprise; and was fortified in his position by a statement from Pichon, the French Minister, that France *did* have the right to cede and that the Spanish claims were "specious reasonings." [32]

Jefferson drafted his annual message for presentation to Congress with extreme care. The most important matter before the special session, of course, was Louisiana. There was need for secrecy, silence, haste and avoidance of controversy. He feared, however, that objections might arise over the cost of the acquisition, particularly if new taxes had to be raised to meet the interest on the stock (bonds) to be tendered in payment. Should such taxes be necessary, there might be sufficient defections from Republican ranks in the Senate to defeat ratification. Therefore he sought ways and means of cutting government expenses so as to avoid them.

As usual, it was the unfortunate navy that first caught his eye. Gallatin at the beginning of the year had raised his voice in protest that the navy

wanted entirely too much money.[33] But Robert Smith, its Secretary, had then been adamant. Jefferson now sought to put pressure on him in the name of Louisiana. Could not Smith reduce his estimate of expenditures for the forthcoming year by $170,000? After all, both the State and War Departments had managed to lop off $100,000 each.[34]

Congress convened in obedience to the summons for a special session and, on October 17th, heard the Presidential Message. He had called them earlier, said Jefferson, because of "matters of great public concernment." After an extended history of American interest in New Orleans and the navigation of the Mississippi, he laid the new windfall of Louisiana squarely in their laps. It was up to the Senate, he declared, to exercise its Constitutional power of treaty ratification, and to the House for providing the requisite funds. On both rested the duty of taking the necessary measures for occupying and governing the newly acquired territory.

Not a word did he say about possible Constitutional difficulties. Silence, in this case, was golden!

He adverted to other topics: a cession of lands by the Kaskaskia Indians (discreetly failing to mention the means that had been employed to obtain them), a renewal of the naval blockade of Tripoli, the convention with Great Britain fixing the northern boundary, and the state of the finances. He acknowledged that $13,000,000 would have to be added to the public debt because of Louisiana, but insisted that the increasing wealth and population of the United States would take care of interest and eventual principal without the necessity for adding new taxes. As for the war in Europe, he avowed gratitude that we were not involved, and that it was essential, through existing or new legislation, to safeguard our neutrality.[35]

Privately, he had hailed the European convulsion with even profounder satisfaction. "Tremendous times in Europe!" he exclaimed. "How mighty this battle of lions & tygers! With what sensations should the common herd of cattle look on it? With no partialities, certainly. If they can so far worry one another as to destroy their power of tyrannizing, the one over the earth [France], the other the waters [England], the world may perhaps enjoy peace, till they recruit again."[36]

The two Houses separated after the message was delivered, and proceeded to business.

In the matter of the Louisiana treaty, the Senate naturally had to move first. In spite of Jefferson's urgency that the issue of constitutionality be held "*sub silentio*," it persisted in raising its ugly head. The Federalists promptly brought it forward, and the Republican Senators frankly avowed that the treaty was unconstitutional. But while Federalists like William Plumer of New Hampshire feared that the accession of such a vast territory would eventually dissolve the Union, John Taylor of Virginia—no less—boldly declared: "I have no doubt our envoys had no authority to make such a treaty, & that it is a violation of the constitution; but I will, like an

attorney who exceeds the authority delegated to him by his client, vote to ratify it, & then throw myself on the people for pardon." [37] Who can doubt that the phraseology stemmed directly from Jefferson!

On October 20th, the Senate ratified the treaty by the overwhelming vote of 24 to 7; every Federalist present, except Jonathan Dayton of New Jersey, voting against it. Plumer was to complain that they took "less time to deliberate on this important treaty, than they allowed themselves on the most trivial Indian contract." [38]

The Republicans were in firm control of the Senate, and went ahead with speed and dispatch. On October 22nd, Breckinridge moved that the President be authorized to take possession of the territories ceded by France and to direct and supervise them until Congress provided for their permanent government. Another bill provided for the issuance of bonds—then called stocks—in the sum of $11,250,000 to carry the treaty into effect.[39]

The House, where the Republican majority was larger, was more dilatory. Debate did not start until October 24th, with the Federalists seizing the initiative. Gaylord Griswold of New York moved to have the President lay before the House all the documents "tending to ascertain whether the United States have, in fact, acquired any title to the province of Louisiana by the treaties with France." It was his contention that the title was defective, and that the country was buying a pig in a poke.[40]

John Randolph of Roanoke was managing the Republican majority and, in spite of sound Republican tradition that Congress was always entitled to call for documents from the Executive, exercised all his skill and ingenuity to defeat the motion. He succeeded, but by an uncomfortably close margin of 59 to 57. Many Republicans, remembering their former role when the positions had been reversed, broke from his leadership. Even Joseph H. Nicholson, staunchest of stalwarts, after taunting the Federalists with their *volte-face* and reminding them how *they* had refused to permit a similar motion to pass when the Jay treaty was involved, nevertheless stood by his principles and voted for the resolution. So did men like Caesar A. Rodney of Delaware and the fiery Matthew Lyon, now representing Kentucky.[41]

Republican chickens were indeed coming home to roost. The precedents they had established in connection with the Jay treaty were now being employed with telling effect by the Federalists. Though, constitutionally, the Senate had sole jurisdiction over treaties, the House Republicans had *then* claimed—with Jefferson's complete approval—that they would refuse to effectuate them by withholding the necessary funds.

The debate on the treaty itself and the means for carrying it into effect commenced on October 25th and raged for three days. Griswold led off again with a strongly expressed doubt that the provision calling for eventual citizenship for the inhabitants was constitutional. John Randolph countered with biting sarcasm that we had been ready enough to seize New Orleans by force, and reminded Griswold that he had been among the first to ad-

vocate such violent measures. "Can a nation acquire by force that which she cannot acquire by treaty?" he ironically inquired.[42]

It was now the Federalists who were attempting narrowly to limit the Constitution and the Republicans who were pressing for broad interpretations. The former fought valiantly, throwing the old Republican arguments into the teeth of their opponents, whereupon the latter retorted with ancient *Federalist* dogma. And, since they had the overwhelming numbers, sheer voting power took the place of reasoned argument. One by one, they pushed their resolutions through.

But *one* motion, coming from the Senate floor, which granted the President authority to take possession of Louisiana, to employ the armed forces for that purpose, and to direct the civil, judicial and military government of the territory until Congress made other provisions, ran into unexpected opposition from John Randolph himself. He had labored mightily for a theory of broad construction and for powers to the central government that went against every principle he had formerly professed—but this was too much.

"If we give this power out of our hands," he exclaimed in his shrill, high, penetrating voice, referring to the Presidential authority over the territory, "it may be irrevocable until Congress shall have made legislative provision; that is, a single branch of the Government, the Executive branch, with a small minority of either House, may prevent its resumption." He demanded, instead, that such authority be limited to the end of the current session, or prior Congressional action.

Whereupon the Federalists joyfully moved to strike out the grant altogether; to which the fledgling member, John W. Eppes, Jefferson's son-in-law, countered with an inquiry as to the vacuum which must then ensue. Submerged Republican principles rose again in the veterans. Jackson of Georgia retorted to Eppes that he would rather have an interregnum "to doing anything which should militate against the Constitution, or principles that have been long respected." [43]

Jefferson was following the proceeding with the keenest interest and anxiety. Overtly, he could do nothing; but he tried to hold the sagging lines intact, and sought indirectly to bolster the faithful and overcome the recalcitrants. Politely he sent the French originals of the treaty to John Randolph. There had been some dispute, he heard, about the meaning of the English translation. Randolph rebuffed him with the curt rejoinder that he had no need for them; "the constitutionality is the theme of the opposition." [44]

The debate was finally resolved with Randolph and his dissidents compelled to bow to their fellow Republicans; though salving their defeat by the insertion of a qualifying amendment that the powers vested in the President were "for maintaining and protecting the inhabitants of Louisiana in the full enjoyment of their liberty, property, and religion." [45]

Jefferson had won a resounding victory, and hastened to put it into effect. He had been angered and alarmed by the strong protests from Spain over the cession. Curiously enough, he had thought that Spain would meekly accept the complete subversion of her compact with France and allow the United States to become heir to a princely domain adjacent to her most treasured possessions without a murmur. But Yrujo's fierce opposition here, and the reports from the envoys abroad, soon disabused him.

If Spain thinks she can give us New Orleans and refuse Louisiana, he fumed to Madison, she is mistaken. We shall use force to obtain what belongs to us.[46] He discussed the matter with his Cabinet even before Congress met. New Orleans must be occupied the moment Congress authorized it.[47]

On October 28th, Congress had duly granted the power. On the following day, Jefferson set the machinery in motion. Orders were to be sent to Governor Claiborne of the Mississippi Territory and to General James Wilkinson, in command of the troops along the border, to march 500 regulars from Fort Adams and 1,000 volunteers from the Territory. Tennessee and Kentucky were to be called on for 6,000 volunteers. Arrangements were to be made with Daniel Clark, an American merchant in New Orleans, to promote a simultaneous insurrection among the populace. Laussat, the French Commissioner, who was supposed to receive sovereignty from Spain in the name of France (before turning it over to the United States) was to co-operate.[48] Jefferson could act decisively and with the utmost speed when he wanted to. This was one of the occasions he wanted to; another related to all dealings with the Barbary States. His indecisions, delays, subtleties and indirections—so prominently in evidence when it came to dealings with France and England—fell from him like a masking cloak to reveal the steel beneath when it came to the American frontier and pirates.

In the midst of these hurried preparations, he could nevertheless find time to discuss another matter close to his heart—the gradual elimination of sovereign Indian lands from the limits of the United States. He congratulated General Dearborn on the news that the Choctaws had agreed to sell their possessions on the Mississippi. Buy whatever they will sell, he told the Secretary of War. But don't, he warned, pay high prices. "They are poor, and will probably sell beyond what will pay their debts, so as to be entitled to an annual pension, which," he cannily remarked, "is one of the best holds we can have on them." [49]

Fortunately, the use of force was not necessary. Spain, faced with the determined show of it on the part of the United States, and the displeasure of the French, was compelled to yield to the inevitable. With a bad grace, she formally turned over New Orleans and Louisiana to Laussat on behalf of France; and on December 20, 1803, Laussat in turn lowered the French flag and Claiborne raised the American Stars and Stripes over New Orleans in token of final sovereignty.

The greatest expansion of the United States in all her history—perhaps the greatest single expansion of territory of any nation in the world—had taken place without a single shot or a single armed soldier. From now on, the destinies of America were firmly fixed, and the march to the Pacific made inevitable.

Jefferson properly exulted over this mighty achievement of his administration. "Tho' we shall be only the 2nd of the civilized nations in [mere?] *extent* of territory," he exclaimed, "we shall be the first in that which is cultivable." [50]

CHAPTER 54

Pell-Mell

THE formal cession, however, left some matters of the highest importance undetermined. What, for example, were the exact boundaries of the territory thus delivered to the United States? This was a matter of the greatest interest to the South. The West was well taken care of by the accession of New Orleans and the uninterrupted navigation of the Mississippi along its whole length to the open sea. New England looked sourly on the whole business and feared that the collapse of her early predominance would now become permanent. But New England was largely Federalist and the Republicans were not concerned over her misgivings. The South was another matter. All the rivers that flowed southward into the Gulf were useless unless the Floridas—and particularly West Florida, comprising the littoral of what are now the states of Mississippi and Alabama —belonged to the United States.

In Europe, Livingston and Monroe insisted that West Florida was a part of the bargain and advised sudden seizure, on the theory that possession made good title. Jefferson and Madison toyed with the idea, but preferred first to see if Spain could not be induced to yield. Unfortunately, they ran into an unexpected snag.

Livingston had originally believed that France would support American pretensions to the Floridas; but the strong reaction from Madrid caused Napoleon to think twice. The envoy was now told by Talleyrand that he was willing to aid in negotiations to *purchase* East Florida; but he kept a discreet silence about West Florida. However, Livingston confidentially insisted to Madison that "the moment is so favorable for taking possession of that country, that I hope it has not been neglected, even though a little force should be necessary to effect it. Your minister must find the means to justify it." [1]

Livingston's advocacy of violent measures stemmed from a complex of causes. But the hidden motive lay in his resentment over the way in which Monroe had taken the lion's share of the glory, and his belief that, should his advice be followed in this particular, he could recapture what had been rightfully his from the beginning.

Several significant items militated against his position. For one thing Laussat, in formally turning over Louisiana, had "confidentially signified that it did not comprehend any part of West Florida"; though he did admit that it extended westward to the Rio Bravo, sometimes called the Rio Norte.[2] For a second, Talleyrand positively assured the Spaniards that he

had given the United States no more than what France had originally held —and that this included only the territory west of the Mississippi and the river Iberville. Thereby he flatly denied that any part of West Florida was involved.[3]

The American government was willing enough at this stage of the proceedings to concede that *East Florida* was still Spanish territory, and sought to negotiate its purchase under the original authority received from Congress. But it held stubbornly to the belief that West Florida had been transferred. Nevertheless, in view of Spanish resistance and in the knowledge that its pretensions would not be supported by the French at the time of taking title, it wisely determined not to make an issue of it then, but to leave the solution to future and possibly more favorable circumstances.[4]

But Congress, under the determined drive of the southern Republicans, had no such qualms. They proceeded on the bland assumption that West Florida was an integral part of the United States and legislated on that basis.

The first and most pressing need, however, was to organize the newly received territory. Jefferson mapped out a program for legislative consideration. Louisiana was to be divided into Lower and Upper Louisiana. In the lower section, the President was to appoint a governor and three judges, with initiating legislative powers in the judges and the right of veto in the Governor and in Congress. Otherwise, the rights and freedoms of the American Constitution were to be introduced; and a mandate given to the judges to mold the laws in general to the American pattern as gradually as possible, without exciting the discontent of the inhabitants, accustomed as they were to the French civil code. Upper Louisiana, sparsely settled and exposed to foreign invasion, was to continue under its current territorial rule, subject directly to the national government.[5]

This was a surprising program to come from Jefferson, the philosopher of libertarianism and the consistent exponent of the rights of all people to govern themselves. While no quarrel can be had with the organization of Upper Louisiana, a wilderness with hardly a settlement and requiring a superimposed government, the same considerations did not apply to the comparatively well populated and highly civilized New Orleans and its environs. In fact, whatever rights they had previously had in the way of self-government were ruthlessly taken away from them. They were to be ruled by a governor and board of judges appointed from above, without their consent and without any right of appeal except to a distant and alien Congress.

The Senate, though seemingly only after an extended debate, passed a somewhat different bill from that which Jefferson had advocated, by a vote of 20 to 5.[6] But it had harder sledding in the House. The Senate bill called for a government consisting of a governor and secretary to be appointed by the President, and a legislative council of thirteen similarly to be appointed by him. The judicial officers were also under his control. If anything, this measure granted even more absolute powers to the President

than Jefferson had originally proposed. All lines of authority converged solely to his hands. And his creature, the Governor, could at will convene and prorogue the council—supposedly drawn from the inhabitants—who were also the creatures of the President.

Some of Jefferson's most faithful followers gagged at this arbitrary legislation, and joined in protest with many of the Federalists. Michael Leib of Pennsylvania opposed in particular the right of the Governor to prorogue the Council. It made the latter, he argued, "the most dependent thing of its nature in the United States." He might well have added that it resembled that old power of the Royal Governors which had led directly to the Revolution. Varnum of Massachusetts demanded a legislature elected by the people; and the radical Matthew Lyon witheringly compared Jefferson to Napoleon.

Under such heated attacks, the supporters of Jefferson were compelled to give some ground if they wished to save the whole, and an amendment providing for an elective Council after a first year's appointed Council, was adopted on March 16, 1804 by a vote of 58 to 42. With some other changes, notably the removal of limitations on the right of jury trial and fixing the term of the Act at two years, the bill was sent to the Senate for reconsideration. But the Senate refused all the amendments except that which limited the term of the Act—as a concession, reducing that to a single year. Thus confronted with Senatorial obstinacy, the House unwillingly receded from its attempt to liberalize the government, and both Houses repassed the bill on March 23rd. Jefferson signed it on March 26th, and it became law.[7]

At least the governance of Louisiana was a legitimate concern for Congress. But it did not stop there; it assumed to legislate for West Florida as well. On November 30, 1803, John Randolph introduced a bill which directed that the ceded territories, "and also all the navigable waters, rivers, creeks, bays, and inlets lying within the United States, which empty into the Gulf of Mexico east of the River Mississippi, shall be annexed to the Mississippi district." It also authorized the President to set up the bay and river of Mobile, and all waters entering the Gulf of Mexico east of Mobile, into a separate district.

This was a direct slap in the face of Spain, and indirectly of France. For it pronounced to be a part of the United States and therefore subject to its sole control the territory of West Florida which both these countries had decisively declared was *not* a part of the sale. Yet Congress passed the bill and Jefferson, fully cognizant of its meaning, signed it on February 24, 1804.

Yrujo entered a vehement protest to Madison; but Jefferson calmly issued a proclamation on May 30th setting up a collection district for what he was pleased to call "the shores, waters, inlets, creeks, and rivers, lying *within the boundaries of the United States.*" [8]

In all the stress and turmoil of the acquisition of Louisiana and of grave domestic problems, Jefferson was never too busy to resist a chance for philosophical and scientific interchanges.

He seized the opportunity to laud his favorite pursuit of agriculture as a profession even for college graduates. "In every College and University," he declared, "a professorship of agriculture, and the class of its students, might be honored as the first." And the charitable schools, "instead of storing their pupils with a lore which the present state of society does not call for," should be converted to schools of agriculture. He was vehemently opposed to the trend, even then evident, from the country to the towns. "The general desire of men to live by their heads rather than their hands," he said bitterly, "and the strong allurements of great cities to those who have any turn for dissipation, threaten to make them here, as in Europe, the sinks of voluntary misery." [9]

What particularly focused his attention on the advance of agriculture at this time were his contemporary readings in Malthus's gloomy and seemingly logically impeccable theories of a growth of population far outrunning the available food supply. But Jefferson, though ready enough to agree with the general thesis so far as Europe was concerned, did not believe it applied to America. There, he explained, "the immense extent of uncultivated and fertile lands enables every one who will labor, to marry young, and to raise a family of any size. Our food, then, may increase geometrically with our laborers, and our births, however multiplied, become effective." [10] He did not note the fallacy in his reasoning—that such an immense multiplication of births as he envisaged must eventually bring even the vast extent of America within the iron bounds of Malthusian doctrine.

He contemplated leisurely the scene in France, with whose philosophers, scientists and economists he maintained a prodigious correspondence. "There are in France," he admitted, "more real [natural] philosophers than in any country on earth: but there are also a greater proportion of pseudo-philosophers there." What had aroused this last was the report of a rain of stones, attested to by men of respectable learning. "The reason is that the exuberant imagination of a Frenchman gives him a greater facility of writing, & runs away with his judgment unless he has a good stock of it. It even creates facts for him which never happened, and he tells them with good faith." [11]

The unfinished city of Washington also engaged his close attention. His architectural sense was annoyed at the gap between the original grandiose intentions and the palpable fact. In 1803, he called Benjamin H. Latrobe, who had studied architecture and engineering in London, to come from Philadelphia to Washington as Surveyor of Public Buildings. Latrobe had established a reputation through his design of the Richmond Penitentiary and the Greek-classical Bank of Pennsylvania. But the new architect found defects in the unfinished plans of William Thornton, whom he considered

totally ignorant of architecture, though possessing some brilliant ideas. He declined therefore to undertake the job unless he was given carte blanche, to which Jefferson agreed.

Latrobe commenced building the south wing of the Capitol and the navy yard, but ran into the usual collisions with the politicians of Congress, who demanded that he adhere rigidly to the plan first approved by Washington. Once more the fiery young architect tendered his resignation; and once more Jefferson refused to accept it. The President respected his talents, but found him difficult to work with; and the construction of the buildings proceeded at a jerky pace, interlarded with numerous quarrels.[12]

When, on February 22, 1804, Jefferson wrote out his report to Congress on the state of the public buildings, and detailed his plans for remodeling and new construction, he noted with a great deal of pride in his letter record that it had been "copied with the double pen of Hawkins." This represents his first recorded use of his famous polygraph, recently invented by the Englishman, John Isaac Hawkins. Possessed as he was of a sense of history and a justified belief that whatever he wrote would some day prove of immense value to historians, Jefferson had from his first entry into public life sought diligently for some method of making copies that would be clean, legible, exact and not too time-wasting.

The usual procedure, of course, had first been to make laborious copies by hand. The second, saving considerably in time, but infuriating to the later researcher, was the letter press, whereby the original with the ink barely dry was placed in contact with a damp second sheet, and an impression squeezed in a press. Naturally, the impression was faint, the combination of damp and ink made the impression spread and blur, with the result that the copy became in many instances partially or wholly illegible with the passage of years.

When Jefferson heard of this new invention called the polygraph, he exerted every effort to obtain a sample. The polygraph, indeed, was a tremendous advance; and in a way, better than the carbons of modern practice. It corresponds to the modern architect's pantograph, and consists of two pens connected by an ingenious series of levers whereby whatever is written manually with one pen on one sheet of paper is simultaneously traced by the other pen on an adjoining sheet.

The first instrument that Jefferson used was comparatively crude, and he experimented with improvements of his own and with new models made to his specifications, until finally he was satisfied. He eventually had two of them, as well as a small traveling set. He was overjoyed at the invention, and so is the modern student who works to any extent with Jefferson's papers. "I only lament," he wrote, "it had not been invented 30. years sooner. I lament nothing more than the not having been able to preserve copies of my letters during the war, which to me would now have been a consoling possession." [13]

As though Jefferson had not enough troubles as President, he now became engaged in an *opéra-bouffe* imbroglio with the diplomatic corps, particularly with the representatives of England and Spain. A curious transformation had come over him since his return from France. There he had ruffed it with the best in fine garments and lavish displays. But the moment he set foot in America again he molted to a more sober plumage and dressed plainly and sedately. When he became President, he went even further. Though he still ordered some expensive garments, and did not hesitate to dress well in the privacy of Monticello, he made it a point at Washington, in his public capacity, to dress with what can only be described—and has been—as an amazing degree of sloppiness and deshabille.

There is no doubt that this was deliberate planning. It expressed to him a reaction from the ruffles and gold lace of an aristocratic court; and it opposed a republican simplicity of plain farmer and artisan against the fine feathers of the Federalists. He had also become imbued with a fixed conviction that pomp, state and ceremonial were indispensable adjuncts of absolutism, and that in a republic there ought not to be, and must not be, any hierarchical classes or orders of precedence—in short, anything that would make one man seem a step higher or better than another. One of his bitterest complaints against the former administrations related to their lavish use of ceremonial and levees, which Jefferson considered a servile imitation of the English court.

The change in dress, the moment he assumed the Presidency, has already been noted, and the astonishment of visitors meeting him for the first time in the President's House. This was bad enough; but Jefferson went further, and thereby became embroiled with the diplomatic corps.

Anthony Merry had been named by the British Foreign Office as Minister to the United States, and he came to Washington with his wife and with every intention of being amiable. Rufus King, indeed, thought him "a plain, unassuming, and amiable man." [14]

He landed in Norfolk, Virginia, and traveled to Washington, to appear on November 29, 1803, at the President's House in full emblazonment of uniform to present his credentials to the President of the United States. To his mortification and anger, he was received by Jefferson in that state of slippered undress of which Plumer had so feelingly written. He could only conceive it as a carefully planned insult to the nation which he represented.

Jefferson *was* following a plan; but it was a plan which was general. As he later defended himself, from the moment of his inauguration he had "buried levees, birthdays, royal parades, and the arrogation of precedence in society by certain self-stiled friends of order, but truly stiled friends of privileged orders." At his numerous dinners—which all admitted to be lavish in food and wines—and at all functions, social or official, he eschewed every semblance of formal etiquette. "In social circles," he insisted, "all are equal, whether in, or out, of office, foreign or domestic; & the same equality

exists among ladies and among gentlemen . . . 'pell-mell' and 'next the door' form the basis of etiquette in the societies of this country." [15]

This "republican simplicity" did not sit well with diplomats trained to the formal rules and rigid precedence of European courts. The Marquis d'Yrujo of Spain had resented it but said little; Merry, however, made it a *cause célèbre.*

The explosion came at a dinner given in the President's House on December 2, 1803. The diplomatic corps was present—the Merrys, the Yrujos, the Pichons—as well as the Madisons and a miscellaneous crew of Congressmen and *their* wives. What happened at this famous dinner was made the subject of an indignant letter from Merry to his home government.

On the announcement that dinner was ready, Jefferson gave his hand to Dolly Madison and sat her on his right. Madame Yrujo was placed on his left. Next to Dolly sat Yrujo, and Mrs. Merry had to be content with the station *below* him. Already seething at this seeming slight on the majesty of the British nation, Merry was left to his own resources to find what place at the table he could. He started for the seat below Madame Yrujo, but was forestalled by a lowly Congressman, who rushed by him and seized the coveted place for himself. In a blind fury, Merry finally found an unoccupied chair among the hoi polloi, while Jefferson placidly continued his attentions to the ladies by whom he was flanked. What made it all the worse was the fact that the Pichons were present, with whose nation the English were at war.[16]

Yrujo, who had been favored in the seating arrangement over the Merrys, observed the extreme agitation of the British Minister, and himself acknowledged that the whole affair seemed to be a studied business on Jefferson's part.[17]

As though this were not enough, the same diplomatic representatives with their wives were three days later invited to a party by Madison. This time the Yrujos were made to feel the weight of "pell-mell" as well as the Merrys. The Cabinet officers had usually granted the courtesies of precedence to the foreign diplomats which they were denied by Jefferson; but this time Madison, without warning, copied the practice of his chief. He offered his arm suddenly to Mrs. Gallatin, and left Madame Yrujo, Mrs. Merry and Madame Pichon standing openmouthed. In the resulting confusion, *no one* offered his arm to Mrs. Merry, and she was compelled to stand helplessly by until her husband, white with indignation, himself took her in to the table. Even Pichon, though pleased enough to see the Merrys humbled, was somewhat scandalized at this strange procedure.[18]

All this may sound like a comic opera script, which indeed it was. But social slights penetrate deeper than much more important insults; and the histories of nations have been altered by lesser matters.

Every diplomatic representative by this time was writing to his government about the situation. Merry declared the situation degrading to Great Britain and intolerable to himself. Even Yrujo, at first favored, and then

rebuffed, changed his tune, and now allied himself with Merry, his public enemy. Their respective wives created a furious social war of their own, and a deep-laid scheme of reprisal was planned. It was agreed between them that when *they* gave dinners, the ministers would hand in their own wives and let the wives of the Cabinet officers scramble as best they might. They went further, refusing all invitations from the offending Cabinet members, and a meeting of the Cabinet was formally devoted to the impasse. It was there resolved that the President should hand in whatever lady happened to be nearest him, and that there should be no precedence.

The controversy convulsed all Washington, and overshadowed the public business. But Jefferson was adamant. He called Mrs. Merry "a virago" and, when Congress gave a formal dinner to celebrate the acquisition of Louisiana, he invited no foreign ministers in order to avoid the battle of the etiquette. Much as he regretted the absence of his daughter, Martha, to head his table, he rejoiced now that she did not have to bear the brunt of the social war and the butchery of the Federalist papers.[19]

With a stubbornness worthy of a better cause, he refused to yield. "The principle of society with us," he wrote, "as well as of our political constitution, is the equal rights of all; and if there be an occasion where this equality ought to prevail preeminently, it is in social circles collected for conviviality. Nobody shall be above you, nor you above anybody, pele-mele is our law."

While he was thus simplifying society, he was also simplifying diplomacy. "I have ever considered diplomacy," he remarked in the same context, "as the pest of the peace of the world, as the workshop in which nearly all the wars of Europe are manufactured." Therefore he had dismissed one-half of the European legations and would like to dismiss the rest. "Consuls," he thought, "would do all the business we ought to have there, quite as well as ministers." [20]

But diplomacy, either at home or abroad, was not as simple as he would have liked to have it. No consul could have purchased Louisiana; while his "pell-mell" at home created a situation in which international relations worsened and sent both Merry and Yrujo into secret negotiations with the opposition—the Federalists of New England and Burr of New York. Even the new French Minister, Louis Marie Turreau, who replaced Pichon, resented the arrangement. As Spain's ally, he tried to reconcile Yrujo with Madison, but failed because, as he informed his government, Madison "is dry, spiteful, passionate; and his private resentments, still more than political difference, will long keep him apart from M d'Yrujo." [21]

In the midst of these ignominious quarrels, a scandal was gathering that attacked Jefferson's personal reputation and perhaps gave him more heartsick moments than any other incident of his entire career.

The first notice of impending trouble came from the ineffable Callender. Smarting under what he considered the ingratitude of the President of the

United States for services rendered, he methodically collected every scrap of gossip and scandal deleterious to Jefferson. In most instances, his information was political. In two cases, however, it hit Jefferson in his most sensitive spot, his personal behavior. One was comparatively innocuous—an accusation of cowardice during the British raids in Virginia. Yet Jefferson took it seriously enough to gather eye-witness affidavits and to quote from his Journal during that hectic period. The other, however, could not be as easily handled.

The story went back to Jefferson's youth—to the year 1768, in fact. Jack Walker, one of Jefferson's boyhood companions and the son of Dr. Thomas Walker, his guardian, had married Betsey Moore and gone to live at Belvoir, a short distance from Shadwell. The two young men naturally continued their acquaintance, and young Jefferson was a frequent and welcome visitor at Belvoir.

Then something happened. As Jack Walker later reported it in an astounding document intended for political purposes, he had gone with a Virginia Commission to Fort Stanwix to formulate a treaty with the Indians. In his absence, he asked Jefferson to watch over his wife and infant daughter. But Jefferson seized the opportunity to make advances to Betsey, not only in her own home, but later at Shadwell and during a visit at the house of a neighbor, Col. Coles. And, even after his own marriage, Jefferson resumed his importunities.

Young Betsey, while repulsing the offers of illicit love with indignation, nevertheless kept the various attempts from her unwitting husband. It was only after Jefferson left for Europe—sixteen years later—that she spoke to her husband; or at least, so Walker asserted. It seems that Walker had named Jefferson in his will as his executor, and Betsey kept importuning her husband to remove him from the office. Walker finally obtained the story from her, after his steadfast refusals to do so. Whereupon, so he afterwards alleged, he promptly wrote to Jefferson in Paris, berating him for the betrayal of their friendship and demanding certain vague satisfactions.[22]

Here the matter rested for many years. But, in the meantime, Jack Walker had turned Federalist and, obviously, Jefferson's deadly enemy. Henry Lee, known to fame as Light Horse Harry Lee, another personal and political enemy of Jefferson, married a niece of Betsey Walker's and thus gained knowledge of the incident. Yet, during the years, not a word was publicly said until *after* Jefferson became President, when Callender was entrusted with the ancient tale. With great glee he published it in *The Recorder*, the newspaper he had initiated in Richmond and which he had hoped would be subsidized by Jefferson.

The story descended on Jefferson with overwhelming force. That youthful indiscretion of his had long been suspended over his head like the legendary sword of Damocles. He told his private secretary, William Burwell, that Hamilton had known of it and had threatened to use it against him during the period of his own notorious trouble with Mrs. Reynolds.

Jefferson did not attempt to deny the single fact that he had tried to make love to Mrs. Walker; but he insisted that the tale as it eventually came out was grossly exaggerated. It had consisted only of a *single* attempt, prior to his own marriage; and, he solemnly swore, it had been "without premeditation & produced by an accidental visit." [23]

There are certain inherent contradictions in the long, rambling tale that Jack Walker wove in 1805 for the use of Henry Lee. It is incredible that Betsey could have submitted to so many assaults on her virtue over a period of years without telling her husband, or ceasing to afford Jefferson opportunities to molest her. In all fairness, however, the Walkers' side of the story must be told. Her silence was due, so Jack averred, to her fear that the revelation might lead to a challenge and a duel.

But Walker places the date of his knowledge to the immediate period after they heard that Jefferson had sailed for France. That took place on July 5, 1784. Allowing time for the news to travel to Virginia, certainly it was known to the Walkers by September 1st. Yet on February 4, 1786, at least a year and a half later, Walker was writing the friendliest of letters to the man who had sought to break up his home. "My Dear Friend," he called him, spoke of domestic and political matters with every evidence of warmth, and hoped that soon Jefferson would be able "to return to your Country & your Friends. For believe me Sir, they both require you." And he ended with the postcript that "Mrs. Walker . . . begs to be affectionately remembered to you & Miss Patsy." [24]

Certainly this is not the kind of letter than an aggrieved husband would write, and the denunciatory epistle which he later claimed he did write, was never received by Jefferson. It is probable, then, that Jefferson's statement of a *single* attempt was correct and that Mrs. Walker did not deem it then of sufficient significance to report to her husband. It is quite likely that the matter was not mentioned until political enmities had intervened, skillfully agitated by her nephew-in-law, Henry Lee. It may well be that *then* she happened to mention it casually, and that Lee blew it up, realizing its possibilities as a future political weapon, and bided his time for its most effective employment.

When the affair saw the light of day in Callender's scandal-mongering sheet, Walker deemed it incumbent on himself to place further negotiations in Lee's hands. Some obscure interviews ensued, of which the full purport is not known. As a matter of fact, the reason for *all* the negotiations that followed cannot now be determined; the participants wrapping them in a determined fog of vagueness. But Walker now wrote to Jefferson—April 4, 1803—enclosing a copy of that letter which he claimed to have sent to Europe, and which was dated May 15, 1788. Seemingly he as well as Jefferson was alarmed over the sudden burst of publicity, inasmuch as it had traveled far beyond its original source, Callender, and had been taken up with shouts of satisfaction by almost every Federalist newspaper in the land.

Walker's letter of April 4th has vanished, but it must have proposed methods for silencing the newspapers. For Jefferson's response weighed the possibilities of such an action, and found them "difficult if not desperate." "These people," he wrote bitterly, "slander for their bread, & as long as customers can be found who will read & relish & pay for their lies, they will fabricate them for the market." While he had made it a policy never to meddle with the opposition press, he admitted that the occasion justified the use of friends to see what discreetly could be done. He thought that one of his friends could effectively silence the editor of the *Bee;* he was optimistic of a similar success with the *Aurora* (a Republican paper!) and certain others. "My best endeavours," he concluded, "shall be used by these & all other means to consign this unfortunate matter to all the oblivion of which it is susceptible." [25]

But the scandal was not thus easily consigned to oblivion. The Federalist press kept it alive. At the end of 1804, an obscene squib appeared in the *Port Folio,* pretending to be a diary of Jefferson:

> February 21, 1804. Passed a very uneasy night—dream't that Colonel Walker pursued me with a horsewhip—waked in a fright, and found myself on my knees in the middle of the floor:—got Sally [the 'black Sally' of earlier obscenities] to change my linnen, and went to sleep.[26]

Thus kept simmering, the pot boiled over again with a rehash of every charge against Jefferson in the *New England Palladium* of January 18, 1805. He was there accused of atheism, of cowardice during the British invasion, of having "taken to his bosom a sable damsel," and of "having assaulted the domestic happiness of Mr. Walker." Had it ended there, it might have been overlooked; but the publishers of the *Palladium* were the official printers to the Massachusetts legislature, and some of Jefferson's partisans unwisely sought to dismiss them from that lucrative business. The whole affair, therefore, became a matter of public debate on the floor of the legislature. It could no longer be ignored.

To protect himself and his wife—there were those, evidently, who whispered that Mrs. Walker had not viewed Jefferson's advances unkindly—Walker now placed in Henry Lee's hands the rambling and circumstantial account of the incident previously mentioned. A series of letters, signed "Tom Turner," replete with further gory and lurid details, appeared in the *Repertory*. It was necessary for Jefferson, at this stage, to break his silence. His private secretary, young Burwell, was given the task of replying, and responded to "Tom Turner" through the friendly columns of the *Richmond Enquirer.*[27]

Jack Walker, confronted with this new outburst, was heartily sorry he had ever permitted the scandal to leak out. Yet it seems he had been to blame even for this last ebullition, through a private letter to a Mr. Kinloch. Meanwhile, he had been diligently seeking "satisfaction" from Jefferson—probably in the way of a written acknowledgment that Betsey had re-

pulsed him—and he now feared that the latter would use the Massachusetts flare-up as an excuse for refusing it. He was ready, therefore, if need be, to publish the entire interchange of letters between them.[28]

On his own side, Jefferson placed a letter in the hands of his former Attorney General, Levi Lincoln (resigned March 2, 1805) in which he stated that "I plead guilty to one of their charges, that when young and single I offered love to a handsome lady. I acknolege its incorrectness. It is the only one founded in truth among all their allegations against me." [29]

The affair dragged its sordid way for at least a year longer, with Henry Lee insisting that Jefferson accede to Walker's demands for a letter of disavowal that could be published. Jefferson was ready to furnish the letter, but utterly refused to permit its publication, even after he retired from office.[30]

The final act came in 1809, shortly after Jefferson quit the Presidency. Walker was dying of an incurable disease, and Betsey was also "very feeble & low." Regrets gnawed them at the part they had played in the whole unsavory mess, and they intimated, through Monroe, that they would consider a visit to them in their current state an act of kindness. Jefferson could not bring himself to meet face to face those who had brought on him such unhappiness, but he sent a present of figs. It was received gratefully; [31] but he never saw them again. The hurt had been too deep.

Fate, however, had still another and more lasting blow for him. On April 12, 1804, Jefferson wrote simply and poignantly in his account book: "This morning between 8. & 9. oclock my dear daughter Maria Eppes died." [32]

She had been taken ill early in March, and her husband, John W. Eppes, had rushed from Washington to Edgehill to be at her side. The first news he sent the anxious father was good; but then she sank again and quietly passed away.[33]

The President was prostrated with grief. Family and domesticity meant more to him than all the glories of the world. He had never truly recovered from the death of his wife. Now his younger daughter was gone; and only the single thread of his elder daughter, Martha, remained to him for comfort. Thus he poured out his grief to the friends who hastened to offer condolence.[34]

One unexpected letter came to him—from Abigail Adams, that strong-minded lady whom once he had numbered among his dearest friends, and who had fallen away into injured silence since that March day when her husband had silently departed from the President's House and Jefferson had taken his place.

Remembering the little girl who had clung to her skirts in tears in those early days in London and who now was no more, Abigail took up her pen and wrote the bereaved father. It was for her a difficult task; and she wrote in secrecy, without the knowledge of her husband.

"Had you been no other than the private inhabitant of Montecello, I should e'er this time have addrest you, with that sympathy, which a recent event has awakend in my Bosom. but reasons of various kinds withheld my pen. untill the powerful feelings of my heart, have burst through the restraint. and called upon me to shed the tear of sorrow over the departed remains of your beloved and deserving daughter." And, through the blur of tears, she ended: "who once took pleasure in Subscribing Herself your Friend Abigail Adams." [35]

No letter that he received touched Jefferson more than this unwilling cry from the heart of the stern old woman. He sent it proudly to the son-in-law who had shared the bitter loss with him. His esteem and friendship for the Adamses were still unbroken, he avowed, and he was happy that this renewal of communication enabled him to declare it to them. He added a codicil, however. "I shall do it with a frank declaration that one act of his [John's] life, and never but one, gave me personal displeasure, his midnight appointments. If respect for him will not permit me to ascribe that altogether to the influence of others, it will leave something for friendship to forgive." [36]

He would have done better at the moment to have forgotten this bit of ancient history. For, in an otherwise grateful letter of thanks to Abigail, he persisted in harping on this one sore topic, though ending with a magnanimous gesture of forgiveness.[37]

Jefferson might have known that the animadversion would only stir up the latent fires in Abigail, as indeed it did. She retorted on him his sponsorship of Callender in his vicious attacks on John, and adverted by indirection to the dismissal of her son, John Quincy Adams, from his post in Boston.[38]

Now the fires of controversy were enkindled, and the original condolences forgotten in the heat of old resentments. Jefferson sought to soothe them over, renouncing Callender and attempting explanations of their connection. But incautiously he inquired as to the nature of that final hint in her previous letter.[39]

This opened the floodgates. Abigail let pass the matter of Callender, though not without a side dig at Jefferson's claim that the Sedition Law was unconstitutional, and concentrated on the treatment accorded her son. She accused Jefferson of having deliberately removed him from the nonpolitical post of a commissioner in bankruptcy.[40] Jefferson swore that he had not known her son was one of the commissioners when he appointed another, and with a stubborn persistence, argued the reference to the Sedition Act. That law, he insisted, was definitely unconstitutional, and he set forth his views on the right of government to suppress dissent. "I tolerate with the utmost latitude," he declared, "the right of others to differ from me in opinion without imputing to them criminality. I know too well the weakness & uncertainty of human reason to wonder at its different results." Both political parties sought the public good, but their ideas of arriving at it were different. "One fears most the ignorance of the people: the other

the selfishness of rulers independant of them. Which is right, time & experience will prove. We think the one side of the experiment has been long enough tried, and proved not to promote the good of the many." [41]

The indomitable old lady was willing to accept his protestations of innocence in connection with her husband and her son, but she could not abide his insistence that the national government could not constitutionally defend its magistrates from scurrilous libel. With a tartness all her own, she ended flatly: "I will not Sir any further intrude upon your time, but close this correspondence." [42] More years were to roll by before the husband, unaware of this correspondence of his wife's, was to pick up *his* pen and finally heal the breach.

Meanwhile Jefferson, lonely in Washington, sought consolation from his bitter sorrow in the cheerful notes of a mockingbird, named Dick, that he had purchased the previous autumn and set up in a cage in his writing room.[43]

CHAPTER 55

Struggle with the Judiciary

ON January 26, 1804, Jefferson received a surprise visit from the Vice-President of the United States, Aaron Burr. The two men, so different in every respect, had gone their separate ways ever since their joint inauguration into office, and their relations had been placed on the most formal basis.

It was a strange visit, and Jefferson, immediately after it was over, set down his version of it in his private *Anas*. Burr's version was never similarly immortalized.

According to Jefferson, Burr commenced with the story of his life; how he had come to New York "a stranger" and found the state in control of the Livingstons and the Clintons. In the crisis of 1800, they had asked his aid to help them to the seats of power and he had given it. He had accepted the vice-presidential nomination only to promote Jefferson's "fame and advancement, and from a desire to be with me, whose company and conversation had always been fascinating to him." Then the Livingstons and the Clintons had become hostile, and "excited the calumnies which I had seen published." His attachment to Jefferson was as strong and sincere as ever; nevertheless, "attachments must be reciprocal or cease to exist."

He was willing, Burr continued, to retire at the end of his term for the good of the Republican cause, in order to avoid a schism. (A presidential election was due in the fall of 1804.) But he did not intend to retire under fire; his enemies were using Jefferson's name to destroy him; and "some mark of favor from me" was essential "which would declare to the world that he retired with my confidence."

Jefferson replied coldly that he had never interfered in any election in the past, and would not do so in the impending one. Then he turned the conversation to "indifferent subjects" and bowed Burr out.

Barely had the discomfited Vice-President quit the room when Jefferson hastened to his desk to record sarcastically that Burr had thought to placate him with strong doses of flattery; but that he, Jefferson, had always distrusted him, and that Burr seemed to be always "at market" for any job anywhere.[1]

Jefferson was not as naïve as he sounded. He knew very well the object of the visit. Burr was fighting for his political life in New York, and matters were coming to a head. For much of Burr's difficulties Jefferson was directly responsible. Ever since the first days of the administration when he had turned a deaf ear to all Burr's requests for patronage, and filled almost

every request of the Clintons and the Livingstons, he had been steadily undermining Burr's position.

In the forthcoming presidential election, there was no question that Jefferson would receive the nomination again by acclamation; nor did he fear the result. The Federalists were discredited and divided, and their platform was merely one of negation. Many of their followers had deserted to the Republican camp, and it was Jefferson's strategy to keep them there. The one threat to his future ascendancy, however, and to the ascendancy of the little Virginia dynasty he was grooming to take over after his retirement—notably Madison and Monroe—came from Aaron Burr. As long as Burr could control the forces of New York he might, with the aid and comfort of the unreconstructed Federalists, hold the balance of power and even eventually topple the Virginians from their supremacy. Therefore, wherever possible, Jefferson hewed away at the foundations of that power. From the Clintons and the Livingstons he foresaw no serious competition. The tempting bait dangled before the aging and enfeebled Governor Clinton was the Vice-Presidency; and so well had Jefferson labored, that Burr knew already that he was out in the cold.

Only a month before this fateful interview, De Witt Clinton had written to Jefferson disclosing that Burr had plans for running for the governorship of New York; that the only sure candidate who could defeat him was his uncle, the current Governor; but the latter had refused to run again. A letter from Jefferson might induce him to change his mind.[2]

Jefferson replied with a certain caution. He acknowledged that it would be "a serious misfortune should a change in the administration of your government be hazarded before its present principles be well established through all its parts. Yet, on reflection, you will be sensible that the delicacy of my situation, considering who may be competitors, forbids my intermeddling, even so far as to write the letter you suggest. I can therefore only brood in silence over my secret wishes."[3]

But those secret wishes were present for all, including George Clinton, to see. And they were made more positive when, immediately after the conversation with Burr, Jefferson sent an emissary, Erastus Granger, to warn De Witt Clinton that Burr was definitely going to run for Governor. In fact, he had a spy in the Burr camp—Gideon Granger who, pretending to be a Burrite, was sending daily confidential reports of Burr's plans to his chief in Washington.[4]

Burr hastened back to New York after the failure of his last desperate attempt to neutralize Jefferson and proceeded nevertheless with his plans. The Republicans in the state were split and he commanded one of the factions. But the Federalists, who could not hope to win an election with a candidate of their own, rallied to his banner. In alarm, the other faction of the Republicans, after discovering that their former war horse, George Clinton, preferred the Vice-Presidency to another term in New York,

turned finally to Morgan Lewis, Chief Justice of the State and a Livingstonian, to oppose him.

A campaign of unexampled bitterness ensued, in which Burr might have won had not the ghost of Alexander Hamilton arisen to block his path. With every resource of eloquence and influence at his command, he exhorted his erstwhile followers to oppose the dangerous Aaron Burr. But most of them were weary of his leadership, through which they had suffered so many recent defeats. In desperation, Hamilton permitted himself the use of certain opprobrious epithets against his long-hated rival at a Federalist meeting which one of his followers, with more enthusiasm than wisdom, later adverted to in the public press.

Meanwhile, the Federalist leaders of other states were watching the approaching election with considerable interest. They, too, were desperate at their long deprivation from the fleshpots; they hated Jefferson with a consuming hatred; and believed that their only chance for salvation was to split the Union, form a confederacy of the New England States with New York and New Jersey, and go their separate ways. To them, Aaron Burr held the keys to the situation. With him in the saddle of New York, that pivotal state might follow them in their secession and form a powerful industrial and commercial union in the face of whose resources the Republican South must eventually wither and decay.

Already, these leaders—Timothy Pickering, James Hillhouse, Roger Griswold, Uriah Tracy and others—had held secret meetings to discuss their conspiratorial plans. The old-line Federalists of the Essex Junto were cold to the idea, and Hamilton was vehemently opposed; but the hotheads proceeded on their own.

Since Burr was essential to their success, they sought to pin him down, but their emissaries were compelled to report that Burr was proving a slippery customer and, while welcoming their aid in his own campaign, refused to tie himself in with their own secret wishes.[5]

But the conspirators, since they had no other course, were compelled to continue their support and hope for the best. "Shall we sit still," demanded Pickering, "until this system [Jefferson's] shall universally triumph? until even in the Eastern States the principles of genuine Federalism shall be overwhelmed? Mr. Jefferson's plan of destruction has been gradually advancing," and "the principles of our Revolution point to the remedy—a separation." [6]

The most furious of the Federalists, he later allowed himself even more intemperate language. "I am disgusted with the men who now rule," he told Rufus King, "and with their measures.... The cowardly wretch at their head, while, like a Parisian revolutionary monster, prating about humanity, would feel an infernal pleasure in the utter destruction of his opponents." Lashing himself into rage, he cried further: "Without a separation, can those States ever rid themselves of negro Presidents and negro Congresses, and regain their just weight in the political balance?" [7]

Jefferson was not unaware of the formidable conspiracy that was gathering head against him. But he took it calmly, relying on the good sense of the people and the unremitting efforts of the Republicans. The Federalists, he declared, knew that by themselves they were "gone forever. Their object, therefore, is, how to return into power under some other form." Their only means was to divide the Union, and joining the minority of misled Republicans under Burr and other dissidents, seek the cloak of their name under which to rule.[8]

It was because of them, he lamented, that he had felt obliged to run for office again. Otherwise he would have retired to the privacy of Monticello, and lived out his life in peace and quiet.[9]

But, for all his calm, like a good politician he was feeling the pulse of the country and tightening his lines. In Pennsylvania there was a serious split in the Republican ranks, with William Duane, angered at the Administration for failing to grant him the perquisites he considered his just reward, lashing out in his *Aurora* at such administration supporters as Gallatin, Madison, Governor McKean and Alexander J. Dallas. And, in his own Virginia, John Randolph was developing signs of restiveness that resulted eventually in an irreconcilable break. Since Virginia represented the heart of his power, Jefferson sought from his good friend, Littleton W. Tazewell, some insight into the opinion of its mercantile community on "the present order of things." The generalty of the planters and all of the yeomen, he knew, would continue to follow his banner; but would the merchants make common cause with their brethren to the north?

Tazewell's answer was not encouraging. They have no settled political opinions, he said. "They approve today, what tomorrow they will revile; and Interest seems to be the only tenet in their political faith which remains long unchanged.... Their whole attention is absorbed by calculations of pecuniary profit and loss, and reflections of any other kind are rarely permitted to disturb this chain of arithmetrical reasoning—Interest makes them insatiable in their desire of governmental advantage and when any act is done improving their situation, the Government is extolled to the skies, but when a burden is imposed on them in common with their fellow Citizens, they murmur and complain." Even now, in fact, they were complaining over the acquisition of Louisiana, "because it may bring into the West India market competitors in their trade."[10] The pages of history disclose human nature to be pretty much of a constant.

Burr went down to defeat in New York before the assaults of his enemies —a strange combination in which De Witt Clinton, Alexander Hamilton and Thomas Jefferson marched side by side. Even the Federalists, who had banked their all on his chances, now slunk away, leaving him deserted and alone, except for the small band of devoted "Burrites" who still flaunted the banner in the City of New York.

Embittered, disgraced, cast out from the ranks of his own party, and

unsuccessful in his efforts to enlist the full roster of the Federalists, Burr stared at Hamilton's language concerning him as it appeared in the public prints. He had long been aware of Hamilton's private impugnments of his personal honor, but this was the first time they had been emblazoned for the public eye. He wrote Hamilton a letter which, by a fatal chain of circumstances, ended in a challenge.

The duel was fought on the heights of Weehawken on July 11, 1804. Hamilton fell mortally wounded at the first fire, and expired shortly thereafter. The nation rocked to its heels at the disaster. The Federalists, to the majority of whom Hamilton had been a discredited leader, now enshrined him and burst out furiously at the "murderer." The Republicans, already alienated, viewed the event with mixed feelings. Indictments for murder were drawn against Burr, and he was compelled to flee south for sanctuary. He had immortalized Hamilton and doomed himself.

Jefferson's sensations at the untoward event were never committed to paper. But he must have felt secretly pleased. At one fell swoop two of his most formidable enemies had been removed from his path—Hamilton and Burr. And the secession conspiracy had been brought to an abrupt end. He could now afford, when Burr ultimately returned to resume his official place as Vice-President for the few remaining months, to treat him with certain signs of favor he had not dared to show before. For now a situation had arisen in which Burr, as President of the Senate, could help make or mar certain plans of his. He even, as evidence of his good will, appointed Burr's stepson a Judge of the Superior Court at New Orleans, and his brother-in-law the Secretary of the Louisiana Territory. All this to the mystification of the Federalists, until a great light dawned upon them.

If two points of conflict between Jefferson and the previous administrations could be singled out from the great mass as decisive, they were the banking system and the judiciary.

But, incensed as he was against the Bank of the United States, there was little that Jefferson could do about it when he assumed office. Its charter had many years still to run; and he did not dare annul it on his old thesis of unconstitutionality as he had attempted with the Alien and Sedition Acts. For one thing, the issue was not as plain for the mass of the people to agree on; for another, much to his astonishment, both he and Gallatin discovered that the Bank had certain necessary functions and was a convenient instrument in the financial dispositions of the United States. His old fury, when he had been ready to hang as a traitor any Virginian who advocated the establishment of a branch in his home state, had spent itself.

Nevertheless, he still feared and hated the Bank, and sought to clip its wings in favor of State Banks that would be more amenable to Republican influence. In 1803, he had tried to work out a scheme whereby all of the State Banks could be shifted to Republican doctrine by sharing the government deposits among them "in proportion to the dispositions they show. . . .

It is material to the safety of Republicanism to detach the mercantile interests from its enemies and incorporate them into the body of its friends." [11]

Five months later, he returned to the attack, spurred to it by the report that the Bank of the United States was considering a branch in New Orleans. "This institution," he insisted, "is one of the most deadly hostility existing, against the principles & form of our Constitution." Should public confidence ever wane, it might be able, through its branches in every part of the Union, and "acting by command & in a phalanx," upset the government. How then emasculate its power for evil? By reducing them to an equal footing with the State Banks in government favors; and by making government deposits a kind of bank on its own, against which government drafts would be honored.[12]

But Gallatin, as a financier and in charge of the Treasury, did not quite see eye to eye with Jefferson on the Bank. Though opposed to its general principles, he recognized its advantages, and continued to employ it. It was not until the Presidency of Andrew Jackson that the Bank of the United States, after a Homeric struggle, finally ended its influential career.

Jefferson had truly told the wife of John Adams that the one act of her husband which had most offended him was his "midnight appointments." These had largely been to the judiciary, and particularly to those judgeships which were for life and therefore irremovable during "good behavior." Nothing had infuriated the Republicans more than this packing of the courts with bitter-end Federalists. What profited their control of Congress and the Executive if the third co-ordinate branch of government was firmly in the hands of their enemies as a stronghold from which they could with impunity sabotage the will of the people?

The first countermeasure had been to repeal the hateful Judiciary Act, and to treat as nullities those appointments which had technically not been completed. But John Marshall ruled the Supreme Court; Samuel Chase of Maryland used the powers of the court to harry and persecute good Republicans; and John Pickering, district judge of New Hampshire, had appeared on the bench intoxicated, bullied witnesses and comported himself generally in a most disgraceful manner.

Jefferson determined to make the complaints against Pickering the first test of the claimed "sanctity" of the courts against interference by the other branches of government. The Constitution had specified that federal judges were to hold office "during good behaviour." The Federalists construed that to mean for life. But the Republicans concentrated on the qualification, *during good behaviour*. Obviously, by another provision of the Constitution, Congress had the power of impeachment and therefore, in their eyes, had the right to determine what "good behaviour" was.

Pickering's case seemed the clearest on which to start. The evidence was overwhelming and undeniable. He had, on many occasions, appeared on the bench in the last stages of intoxication. He had sworn at and grossly

insulted witnesses before him. He had, in the specific case of the trial of a forfeiture of a ship and its cargo for smuggling, arbitrarily and against all the law and the evidence, ordered the return of the ship to its owners. He had refused to hear witnesses, had used foul language on the bench, and refused even the legal right of appeal. What better test could have been presented for impeachment under the "good behaviour" clause? Or so Jefferson thought.

On February 4, 1803, acting on the complaints before him, Jefferson sent a message to the House of Representatives, submitting to them the complaints and the accompanying affidavits, as the body "to whom the Constitution has confided a power of instituting proceedings of redress if they shall be of opinion that the case calls for them."

The House referred the matter to a committee and, after due consideration, a resolution of impeachment against John Pickering "for high crimes and misdemeanors" was passed on February 18th by a vote of 45 to 8. Joseph Nicholson and John Randolph, the two pillars of republicanism, were appointed to place the impeachment before the Senate for trial. This they did on March 3rd.[13]

Since Congress was on the eve of adjournment the matter thus rested until the fall reconvening.

But in the interim Chief Justice John Marshall, in the name of the Supreme Court, rendered a decision which infuriated Jefferson and his fellow Republicans beyond all bounds, and made them more than ever determined to clip the wings of the judiciary. This was the famous case of *Marbury v. Madison.*

William Marbury had been appointed by Adams a Justice of the Peace for the District of Columbia under the obnoxious Judiciary Act. The nomination went in haste to the Senate on March 2, 1801—two days before Adams's term of office and the current session of the Senate expired. In equal haste the dying Senate approved the nomination on the following day, the commission was quickly signed by Adams, countersigned by John Marshall as acting Secretary of State, sealed, and placed on the desk of the State Department. But before it could be actually delivered to Marbury, the Old Guard were out, and Jefferson was President of the United States.

Jefferson, treating these "midnight appointments" as a nullity, refused to deliver the commission and its office to Marbury. The aggrieved Federalist moved in the December term of the Supreme Court for a mandamus against Madison, the incumbent Secretary of State, to compel delivery.

On February 24, 1803, John Marshall delivered his opinion. It displayed the Chief Justice at the height of his powers. Through a canny and masterful use of *obiter dicta,* he was able dexterously to extract victory from defeat. Regretfully, he was compelled to admit that the Court had no original jurisdiction under the Constitution to issue a mandamus, and therefore

dismissed the motion. By every rule of procedure, this should have been final, and the opinion should have ended there.

But Marshall was determined to seize this heaven-sent opportunity to lay down a precedent for the future, and to resolve once and for all the power of the Court to declare an act of Congress unconstitutional and therefore void. Accordingly, he entered into an extended consideration of the case on its merits, just as if it had not already been dismissed on the technical ground.

The commission, he declared, had been valid. Once signed and sealed, manual delivery was not essential for its completion. Marbury, therefore, was entitled to his five-year statutory term of office, and it could not be revoked by either Congress or the Executive.

But he was able to make Marbury's personal defeat and the consequent limitation on the power of the Supreme Court into a weapon for gaining more far-reaching powers for his Court. For Marbury had moved his writ under an act of Congress—section 13 of the Judiciary Act of 1789—which had purported to give the Supreme Court just such original jurisdiction in cases of mandamus. Marshall, however, virtuously denied the right of Congress to grant a jurisdiction which had not been contemplated in the Constitution.

In other words, he declared an act of Congress unconstitutional, and proclaimed the right of the Supreme Court so to find it. "A legislative act contrary to the Constitution is not law . . ." he enunciated. "It is emphatically the province and duty of the judicial department to say what the law is. . . . The particular phraseology of the Constitution of the United States confirms and strengthens the principle, supposed to be essential to all written constitutions, that a law repugnant to the Constitution is void; and that *courts,* as well as other departments, are bound by that instrument." [14]

Jefferson in his Kentucky Resolution had asserted that a *State* had the right to declare an act of Congress unconstitutional; now Marshall laid down the rule that the Federal Judiciary had that right also. Jefferson's rule never achieved success, but Marshall's did. By skillfully employing a double-edged weapon, Marshall was able to aver at one and the same time that the tenures of judges were fixed and irrevocable, and that the courts could deal with the constitutionality of all measures, legislative and administrative. The consequences have reverberated down the pages of American history.

Baffled by a decision which affirmed a rule particularly obnoxious to himself and which nevertheless, by reason of its peculiar circumstances, gave him no handle for an official trial of strength, Jefferson now moved with accelerating pace against specific members of the court.

On October 20, 1803, the House appointed a committee to draw up articles of impeachment against Pickering. The Federalists fought the articles on the ground that Pickering was in fact insane, and therefore not

subject to trial under legal procedures for acts committed in that state. Nicholson retorted that the insanity "proceeded from constant and habitual intoxication," and the articles were finally agreed to without a division. Eleven managers were chosen to conduct the prosecution before the bar of the Senate, including Nicholson, Randolph, Caesar Rodney, Samuel L. Mitchill and others.[15]

On March 2, 1804, the impeachment proceedings opened. The House managers appeared to present the charges against Pickering. They were damning enough, and no attempt was made by Pickering's defenders to deny the facts. Pickering himself did not appear; but his son submitted a petition to the effect that his father was legally insane, and therefore not amenable to the jurisdiction of Congress. His petition was backed by Robert G. Harper, who nevertheless disavowed he was appearing as counsel. A long wrangle ensued and, over Nicholson's vehement protests, Burr, in the President's chair, finally ruled that Harper could appear in support of the petition without a formal entry in the case as counsel.

The managers withdrew to consult this unusual procedure with their own House, but finally returned to hear lengthy testimony, backed up by the Federalist senators from New Hampshire, that Pickering was definitely insane.[16]

On March 12th, the Senate voted (19 to 7) that Pickering was guilty of the acts as charged; and (20 to 6) that he should be removed from office.[17] The Republicans had won an overwhelming victory.

Later commentators have decried the verdict, insisting that the evidence of insanity was sufficiently plain to have obviated the accusation of "high crimes and misdemeanors." They insist that an insane judge, no matter how incompetent to continue on the bench, may not be removed by the Constitutional procedure of impeachment. But there is no other method of removal permitted under the Constitution, and the anomalous situation would exist that an insane judge, for the rest of his natural life, would be empowered to dispose of the lives and fortunes of litigants, and lay down law as precedents in further actions.

Jefferson did not wait for the final verdict to institute proceedings against another member of the Federal Judiciary—this time a member of the Supreme Court itself. He would have liked exceedingly to have proceeded against the head and front—John Marshall himself—but he had no legal grounds. Against Samuel Chase of Maryland, however, he considered he had an impeccable case. He would also have preferred some other method of removing judges, finding impeachment "*a bungling way*"; but the Constitution unfortunately had not provided another.[18]

Chase, whom Hamilton had once accused of feathering his own nest during the Revolution, was a man of violent Federalist principles, harsh, intemperate and overbearing in manner, bullying on the bench and loud in his denunciations of republicanism as the quintessence of anarchy, atheism

and the devil. He had taken it upon himself to be a one-man scourge of all that he hated, and he gleefully utilized the Sedition Act as an instrument for that purpose. In the cases of Fries and Callender, he had employed every means to obtain convictions, going far outside the usual province of a presiding judge.

On May 2, 1803, he had seized the occasion of an address to a grand jury in Baltimore to deliver himself of a tirade against democracy and the local and national governments. He denounced the repeal of the Judiciary Act, and insisted that "mobocracy" was already on the way. "The modern doctrines by our late reformers," he warned, "that all men in a state of society are entitled to enjoy equal liberty and equal rights, have brought this mighty mischief upon us; and I fear that it will rapidly progress until peace and order, freedom and property, shall be destroyed." [19]

When Jefferson read the account of the charge in the newspapers, he was incensed. He wrote at once to Nicholson, the chief manager of the Pickering impeachment: "Ought this seditious and official attack on the principles of our Constitution, and on the proceedings of a State, to go unpunished? and to whom so pointedly as yourself will the public look for the necessary measures? I ask these questions for your consideration, for myself it is better that I should not interfere." [20]

It did not require any great perspicacity on Nicholson's part to determine his chief's meaning—Chase should be impeached. But, after thinking it over and seeking advice from friends, he decided not to act.[21]

But another champion arose—John Randolph. On January 5, 1804, he offered a resolution in the House for an inquiry into Chase's judicial conduct. In response to demands from the Federalist group, the cases of Fries and Callender were adduced, as well as the Baltimore charge. On January 7th, the resolution for a committee of inquiry was passed; on March 12th, the report of the committee recommending impeachment was approved by a vote of 73 to 32; and the requisite impeachment articles were drafted.[22]

Practically the same group of managers, spearheaded by Randolph, Rodney and Nicholson, was appointed by the House. On December 10, 1804, the Senate issued a summons for Chase to appear and answer; and constituted itself as a court of trial on January 2, 1805. Aaron Burr, returned from his flight after the death of Hamilton, presided. The Federalists viewed him with horror as the slayer of their idol; but the Republicans suddenly discovered the good points of their erstwhile outlawed Vice-President. Jefferson made it a point to invite him cordially to his house, Gallatin consorted with him, Madison paid him marked attentions, and Giles circulated a petition to quash the indictment in New Jersey against him.[23] And his relatives were given lucrative offices in the Territories.

Burr was quite aware why these attentions were being showered on him. As presiding officer of the court, he had it in his power to make the path of the impeachment smooth or difficult, and the Jeffersonian forces were determined to spare no means of attaining a conviction. This was the test

case in their struggle to subordinate the Judiciary, far more than the Pickering trial. For here were no private elements; Chase had thrown down the gauntlet to an entire philosophy, while hovering in the background was the mighty John Marshall. Let but Chase be condemned, and the groundwork could be laid against Marshall as well; and the whole structure of the Judiciary, in which the Federalists had sought refuge as a final stronghold, would be brought crashing about them in ruins.

The actual trial opened on February 4, 1805, in an atmosphere of drama and tension. The eyes of the nation were focused in this last gigantic struggle. With a flair for the spectacular, Burr dressed the Senate chamber in trappings reminiscent of the great English trial of Warren Hastings, and the galleries were crowded with spectators from beginning to end. In spite of initial revulsions against Burr, all were finally compelled to admit that the Vice-President conducted the trial with rigid impartiality, dignity and correctness; going so far even as to refuse to permit the Senators their time-honored custom of munching apples and cakes in the chamber.

John Randolph was the chief counsel for the prosecution. For Chase appeared a mighty array of Federalist brains and abilities, headed by Robert G. Harper and Luther Martin, "the bulldog of Federalism." Randolph found himself out of his depth and miscast. He was no lawyer, and his piercing eloquence that had proved so effective in the House was no match for the legal agility of his adversaries or the thunderings of Luther Martin.

Chase denied all the charges, and particularly that his address to the Baltimore grand jury had been "intemperate and inflammatory." Ever since the Revolution, he claimed, it had been the custom of judges to express political opinions in such cases; nor was there any law against it.

Randolph opened for the prosecution on February 7th with a weak and rambling general indictment; apologizing in a way for what he himself realized was an inadequate treatment by alluding to his illness and short preparation. Then followed a parade of witnesses to substantiate the articles of impeachment, giving chapter and verse for Chase's prejudiced and prejudicial handling of defendants, counsel and witnesses in the cases of Fries and Callender. Then came the matter of the Baltimore address. Closing speeches began on February 20th, and final arguments ended on the 27th.

There had been eight articles in the impeachment, and the Senate—requiring a two-thirds vote to convict—brought in verdict of "not guilty" on all eight, though on three of the articles a numerical majority was mustered for "guilty." [24]

The adverse verdict was a stunning blow to Jefferson. All his plans for forcing the Judiciary into a subsidiary position, for curtailing its powers and clipping its wings, had failed. John Marshall, who had followed the proceedings with intense anxiety, and knowing well that he would be the next victim if Chase were convicted, took heart and proceeded to fix firmly in American jurisprudence the supremacy of the Supreme Court in all matters relating to the Constitution. And, in a series of powerful decisions,

he brought all property rights (including contracts) under the protective aegis of that Constitution, so that radical measures later beat in vain against the bulwarks he erected, until the Constitution itself was amended to achieve specific reforms. Jefferson was never to get over the blow, keeping a discreet silence now, but later fulminating against the power of the Judiciary and assiduously trying new, and unsuccessful measures, to overcome it.

While thus engaged in a duel with the Judiciary, Jefferson kept a watchful eye on foreign relations. The purchase of Louisiana required implementation and did not settle the matters in dispute with England and Spain.

England, for example, continued to disregard American neutral rights, or at least as America conceived them. The search of ships sailing under the American flag by British warships, and the seizure and forcible impressment of seamen claimed by the British as their subjects, became more and more a matter of vigorous complaint. England, engaged in a world war, and desperately in need of sailors for her navy, did not always differentiate too carefully between Englishmen and Americans in the process.

Madison ordered Monroe, then in England, to enter strong protests against the practice;[25] and Jefferson instructed him, as soon as possible, to hurry on to Madrid to seek a settlement of the boundaries of Louisiana, offering him at the same time, the governorship of that territory. "We scarcely expect," he wryly remarked, "any liberal or just settlement with Spain, and are perfectly determined to obtain or to take our just limits." As for West Florida, Jefferson expected the inhabitants of certain sections to ask voluntarily for joinder with the United States, while acquisition of the other areas must await a favorable opportunity. Should Spain continue to refuse access to our vessels through the mouths of the rivers feeding the interior, once Spain was at war, he added significantly, "the crisis there will be speedy."

He wished to supersede Charles Pinckney as Minister to Spain, and asked Monroe to "avail yourself of his vanity, his expectations, his fears, and whatever will weigh with him to induce him to ask leave to return."[26]

It was also decided in a Cabinet meeting that Monroe should negotiate with Spain for an extension of our territory east to the Perdido river and to include all of East Florida. In return, we would relinquish our claims from the Mexican to the Rio Bravo rivers, stipulate that a buffer country would be established and left unsettled for a term of years, and pay a million dollars.[27]

Jefferson had made the Cabinet into a component arm of the Executive. About this time he laid down certain rules guiding the relationship of the President and the Secretaries. The head of a department and the President, he said, are "mutual Counsellors. If the case is difficult, usage establishes the practise of a general consultation. There never has arisen a case and I am persuaded never will, where the respect we mutually entertain for the

opinions of one another will not produce an accommodation of opinion." [28] This was all very well; but he knew, and his Secretaries knew, that the final authority rested in the President.

Meanwhile, a desultory, undeclared war was in progress with Tripoli. An American squadron under Commodore Preble was cruising up and down the Mediterranean, offering protection to American merchantmen against the sudden raids of the corsairs, and blockading the ports so that the pirates found it difficult to slip out. He had a sizable number of ships under his command, including the forty-four-gun *Constitution* and the thirty-eight-gun *Philadelphia.* Morocco, which had thought to obtain its share of booty, was brought to terms and forced to disgorge its prisoners and resume the old treaty; but disaster befell the *Philadelphia* when she ran aground under the guns of the Tripolitan forts and was compelled to surrender. Captain Bainbridge and some three hundred members of her crew were made captive and set to hard labor. The only bright spot in the tragic episode was the ensuing exploit of young Stephen Decatur who, with a tiny vessel and crew, sneaked boldly into the harbor at night, drove the Tripolitan crew headlong over the sides and burned the *Philadelphia* to the water line under the blazing guns of the forts.

The capture of the ill-fated frigate had occurred in October, 1803; and Jefferson sent the bad news to Congress on March 20, 1804, with a request for additional funds and an increase of the Mediterranean squadron. The news had filled him with a burning anger and a determination for immediate retribution. Diplomacy and negotiations were all right with the other powers, but naked force was the only answer he ever desired for any of the Barbary States. He went along ordinarily with Gallatin as the exponent of a "little navy"; but the prospect of a clash with the pirates would convert him over night—at least until the crisis had passed—into a "big navy" man, touchy on the subject of national honor and breathing revenge against these desecrators of the peace.

But there were Bainbridge and the three hundred American captives to consider. Had it been left to Jefferson, he would have outfitted and sent a mightier squadron, no matter what the cost, to rescue the prisoners, lay the offending city of Tripoli in ruins, and break the power of the corsairs to do any further mischief for all time to come.

He was temporarily forestalled, however, and in a way that drove him to blazing wrath. Robert R. Livingston in France, and the American envoy to Russia, alarmed over the tales of Tripolitan severities to the American prisoners, had made representations to the respective courts to interpose their good offices in behalf of the captives, and received favorable responses.

When Jefferson heard of it, he was both furious and mortified. It was most humiliating, he thought, for the United States to go humbly, hat in hand, to the European nations and beg their intervention. His letters to the members of his Cabinet breathe his agitation and disgust. "I have never been

so mortified," he exclaimed to Robert Smith, his Secretary of Navy, "as at the conduct of our foreign functionaries on the loss of the *Philadelphia*. They appear to have supposed that we were all lost now, & without resource: and they have hawked us in *forma pauperis* begging alms at every court in Europe. This self-degradation is the more unpardonable as, uninstructed & unauthorized, they have taken measures which commit us by moral obligations which cannot be disavowed."

What he feared most was that the prompt intervention of France and Russia would cause the release of the prisoners before the American squadron would arrive and thereby "our just desires of vengeance disappointed, and our honor prostrated." Therefore it was essential, he urged on Smith, to send the squadron to sea at once.[29]

He wrote in similar vein to Madison, calling the unauthorized commitment of the American ministers abroad "the most serious one which has happened to the present administration" and "a national stain." His great hope, he fumed to the Secretary of State, was that Tripoli would be blind enough not to heed promptly the request of Alexander of Russia, and that our squadron would arrive *before* the prisoners were released and be able to beat "their town about their ears." And Mr. Harris, our envoy in St. Petersburg, must be given a sharp rap on the knuckles.[30]

Here we are confronted with a curious dichotomy in the character of Jefferson that requires investigation. He hated war, and he could be long-suffering under intense provocation—so much so that the legend of his extreme pacifism has arisen; and yet, on occasion, he could disclose himself suddenly as a fire-breathing warrior, giving vent to such terms as "revenge" and "national honor," and repudiating all attempts at compromise or mediation. Perhaps his own description of Washington as a man of strong passions eternally repressed might apply in some degree to himself. His own passions significantly crack through the placid exterior at times and hint at what lies beneath. Such was the case in his treatment of the British General Hamilton when he was Governor; such were his unpleasant characterizations of that other Hamilton during Washington's administration; such was the case in his every dealing with the Barbary Powers. To France and England, *because* they were great powers and the United States was unable to deal with them adequately, he interposed a meekness and long-suffering patience. To Spain, however, he blew hot and cold, depending on the situation and the probability of success. He could be arrogant and intransigent in tone on one occasion, and assume the mask of diplomacy on another. But he always felt capable of handling the pirates of the Mediterranean and therefore preferred war to diplomacy. And, in this particular instance, he feared that the well-intentioned but ill-advised supplications of his emissaries abroad would lower the prestige of the United States in Europe and ruin his diplomacy in other directions.

His aversion to Livingston was further hardened when he read the correspondence between that unlucky gentleman and the Paris Commissioners.

"A more disgusting correspondence between men of sense," he exploded, "I have never read. . . . All of them deserved to be immediately superseded for having mingled their old-woman's quarrels with their official communications, & suffered them to influence their public duties. The quarrelsome disposition of Livingston is a trait in his character unknown before to me. He has quarreled with every public agent with whom he had any thing to do . . . and his letters to the department of State have been rising in the arrogance of their style, till . . . had he not been coming away, would have justified our informing him that we should make no further use of his services." [31]

It was therefore with considerable celerity that Jefferson accepted Livingston's resignation and offered the post in France to General John Armstrong, former Senator from New York.[32]

Fortunately for Jefferson's pride, Tripoli disclosed no haste in releasing the American captives; and Commodore Preble, with a force spear-headed by the famous *Constitution*, penetrated boldly into Tripoli harbor and bombarded that town almost at will all through the summer of 1804. He was shortly reinforced by one of the mightiest squadrons that the United States had ever put to sea; but Commodore Barron, its commander, outranking Preble, did less with the combined flotilla than Preble had done with lesser forces. After six months of inconclusive warfare, he retired on the plea of ill-health, and young John Rodgers took command. Between Rodgers' bolder strokes and the amazing overland expedition of William Eaton, a flamboyant adventurer, the Pasha of Tripoli finally yielded and sued for peace.

The single overt war of Jefferson's administration had ended triumphantly; the power of the Barbary States had been broken and was never more to threaten American ships. American prestige in Europe rose to new heights, and that navy which Jefferson and Gallatin had sought to hamstring had covered itself with glory.

CHAPTER 56

Re-election

PERSONAL matters were also engrossing Jefferson's attention. He was still engaged in the unfortunate and acrimonious litigation with a neighbor over a plot of ground abutting the Rivanna, on which he had built a dam and a mill, which interfered with his own navigation of the river, and which his agent, Craven Peyton, had bought on his behalf.[1] As usual, the Federalists sought to make political capital of Jefferson's private misadventures, and he was goaded to an anonymous defense of his position (as "A Bystander") in the public press.[2]

In a pleasanter frame of mind he received, through the good offices of Lafayette, copies of works published in France. One was a treatise on Political Economy by Jean Baptiste Say, and the other a volume entitled *Idéologie* by De Stutt Tracy, whose daughter had married Lafayette's son. Both volumes, but particularly Tracy's, profoundly influenced Jefferson's future thinking. He indeed hailed Tracy's work as one of the greatest ever written, and later translated it himself for American consumption. He remembered his good friend Lafayette with gratitude, and was assiduously trying to get for him a Congressional grant of land in the vicinity of New Orleans, where he believed values would rise with great rapidity. Indeed, had Lafayette then been in America, Jefferson would have offered him the governorship of that territory.[3]

The great naturalist and geologist, Baron Humboldt, came to America in 1804 and, as was the case with every European scientist on arrival in the New World, he sought out Jefferson as an intellectual equal and as the foremost exponent in this country of their mutual interests. Jefferson's newly appointed secretary, William A. Burwell, found Humboldt "about thirty, of small figure, well made, agreable Physiognomy, simple unaffected manners, remarkably sprightly, vehement in conversation & sometimes eloquent."

Jefferson welcomed him with the greatest cordiality and listened eagerly to the "treasures of information" which Humboldt was enabled to impart from his own vast stores of knowledge. One morning, while they were at breakfast, Jefferson came down to the company with a newspaper clipping in his hand. It was, he remarked, filled with the grossest personal abuse of himself. He was presenting it, he said, to Humboldt with the request that he deposit it in a European museum, as evidence "how little mischief flow'd from the freedom of the Press. That notwithstanding innumerable pieces of similar nature issued daily from the Press his administration had never

been more popular." Burwell, the Boswell of the occasion, thought that Humboldt actually placed the offending document in a museum.[4]

While in France, Jefferson had sought to transfer the culture of the olive tree to America, but the experiment had then failed because of the indifference of the American cultivators. But the project had never lapsed in Jefferson's mind, and now he tried it again, having obtained the consent of a Sea Island Georgian to make the experiment.[5] Unfortunately, the olive tree never took kindly to the eastern seaboard, and had to wait for the advent of California to become acclimated.

Jefferson's indefatigable mind never rested. He pondered the idea of digesting the moral doctrines of Jesus, as given in his own words, and omitting myths, legends and personal history. He actually sent to Philadelphia for two Greek and two English Testaments, from which he expected to cut out the pertinent sections and paste them into a separate volume. He was compelled by pressure of other work to abandon the idea for the time being, and urged it instead on Priestley.[6] But in later years he returned to the scheme, and his beautifully bound volume of printed extracts from these volumes is one of the precious treasures on deposit in the Library of Congress.

He recurred again and again to this theme of differentiating between the pure doctrines of Jesus and the excrescences which had later enveloped them. The latter, he thought, had been deliberately added. "I consider the doctrines of Jesus as delivered by himself," he remarked, "to contain the outlines of the sublimest system of morality that has ever been taught but I hold in the most profound detestation and execration the corruptions of it which have been invested by priestcraft and established by kingcraft constituting a conspiracy of church and state against the civil and religious liberties of mankind." [7]

But above all, the vast new expanse of Louisiana and New Orleans fired Jefferson's enthusiasm. His earlier dreams of expansion to the west had been realized, and he was particularly anxious to bind the new territories to the United States with indissoluble bands.

The great expedition of exploration under the leadership of Lewis and Clark was now under way. He had dreamed of it, planned every detail, raised funds and followed its long germination with a mounting excitement. Barely had the American flag been raised over St. Louis than the expedition shoved off in boats into the Missouri River to move upstream into the uncharted wilderness. For two years and four months the pioneers toiled and marched, never knowing when the Indians they met would prove hostile or peaceful, seeing for the first time the gigantic and dangerous grizzly bear, collecting Indian vocabularies, botanical and mineralogical specimens, making topographical maps, seeking fossil remains, doing all the things on which Jefferson had carefully briefed them. Up dangerous rivers, across savage mountains, over desert and plain, until finally they

reached the mouth of the Columbia River and the blue Pacific. Then, the long trek back to St. Louis.

On January 10, 1807, Lewis appeared at the President's House with his glittering tales, his specimens and, as a side show, "the King and Queen of the Mandans." Jefferson tendered him a reception, welcomed the Indian royalty, and later tried to plant at Monticello the seeds and specimens which Lewis had brought for him. He knew the value of what he had purchased, and he knew that Lewis and Clark were but the precursors of a later and more stable migration of pioneers who would settle and hold the land.

New Orleans also engaged his closest attention. Here, too, he realized that rapid and easy communication was the surest way of keeping the land firmly bound to the United States. He proposed, accordingly, the construction of a thousand-mile-long post road stretching from Washington to New Orleans, along which postriders could make as much as a hundred miles a day. He was sending the Surveyor General, Isaac Briggs, on horseback along the proposed route to take survey bearings and asked Bishop Madison to lend him his pocket quadrant for the purpose.[8]

This would, of course, be a government project. But Jefferson was averse generally to putting the government into any business which private companies could handle. He was an ardent exponent of the theory and practice of private enterprise. When an iron manufacturer offered to sell his ironworks to the government, Jefferson laid down the principle that "it is better for the public to procure at the common market whatever the market can supply: because there it is by competition kept up in its quality, and reduced to its minimum price. The public can buy there silver guns cheaper than they can make iron ones. As therefore private individuals can furnish cannon, shot etc. we shall never attempt to make them, nor consequently meddle with mines, forges, or any thing of that kind, to the superintendance of which the public functionaries are incompetent, even if they had leisure from more important affairs." [9] Whether this economic philosophy would have remained intact under modern industrial life must remain a moot question.

He appointed William C. C. Claiborne as the governor of New Orleans, and suggested to him that he place on his Legislative Council seven Americans and six Frenchmen, proportioned among the merchant and planter classes, and with a due regard for geographical distribution. He was particularly insistent that corruption be rooted out with "distinguished severity." [10]

He had also been impressed with the sarcastic animadversions on his "republicanism" when he organized New Orleans into a government directly from Washington, and he sought now to remedy the situation; urging that Congress at its next session give the territory an elective legislature. Any evils that might arise, he told Madison significantly, "will not be so serious as leaving them the pretext of calling in a foreign umpire between them & us." He meant France; and was willing even to make the

inhabitants full citizens in order to avoid the danger of such an intervention.[11]

The dangers implicit in the New Orleans situation were obvious to him. Spain was resentful of the treatment which both France and the United States had accorded her, and France herself regretted what she had done. American rule was not popular among the proud Creoles of New Orleans, and they were particularly incensed at the subsidiary position into which they had been pushed. Already a ferment existed which was eventually to grow to conspiratorial proportions, and to tie in obscurely with the mysterious venture of Aaron Burr. It was therefore essential that an agreement be reached with Spain on these and other matters, so that there would be no fishing in troubled waters.

But it was not easy to placate Spain. The Marquis d'Yrujo, her Minister at Washington, who had married a daughter of Governor McKean of Pennsylvania, and who was personally friendly to the United States, was nevertheless pushed by force of circumstances from a position of benevolence to one of fierce antagonism to Jefferson.

The reasons were partly political and partly social. He, as well as Merry, the British minister, had resented Jefferson's "pell-mell" at diplomatic functions. And, after attempting to persuade his home government to accept the cession of Louisiana without a struggle, he had watched with alarm and mounting anger the determination of the American government to include the Floridas as well; by force if necessary. Swinging into the opposition, he listened with a ready ear to the Federalist conspiracy for the secession of New England, and took the controversy against Jefferson's policies anonymously into the American press. He went so far, though he later denied it, as to seem to offer money to a Federalist editor to oppose American policy toward Spain. The editor virtuously repudiated the alleged bribe and made an affidavit on the incident.

Yrujo was on a visit to Monticello when the scandal broke; yet his host received him courteously and without a word of the contretemps. Yrujo and his wife had been with him, Jefferson wrote privately to Madison. "He has opened his budget which we have smoothed off." [12]

But it was not as easy to "smooth off" as Jefferson thought. For Charles Pinckney in Spain was having rough going with an angry Court, and Monroe was sent posthaste from England to see what he could do. Monroe, from London, had already suggested that it might be wise to shut off Louisiana west of the Mississippi to settlement. He feared that the rush of emigration might depopulate the old states and eventually lead to a separation.[13]

Pinckney, however, had adopted a strong tone in Madrid, going so far as to lay down a virtual ultimatum. If he did not receive an immediate answer on the right of Americans to ply the rivers passing through West Florida, he would, he threatened, order all Americans out of Spain and

communicate with the American fleet in the Mediterranean.[14] This could only mean bombardment of Spanish ports—and war.

Spain properly refused to be intimidated by threats, and in turn threatened to have no further dealings with him. Thereupon Pinckney lost his head and issued a circular letter to Americans in Spain advising them to leave forthwith, and proposed to ask for his passports. Cevallos, the Spanish Foreign Minister, was unmoved by Pinckney's bellicose actions and merely demanded that he be recalled.[15]

When Madison heard of the scrape into which Pinckney's blunders had led him, he sought to ease the tension with a conciliatory letter to Yrujo, ordered Monroe to Spain to pick up the pieces, and gave Pinckney "leave" to return to America. "I suspect he will not return in a good humor," Madison told Monroe grimly. "I could not permit myself to flatter him, and truth would not permit me to praise him. He is well off in escaping reproof, for his agency has been very faulty as well as feeble."[16]

Nor were relations with England on any better footing. British warships were standing boldly off New York harbor in what was tantamount to an actual blockade, forcing American ships as they sailed in and out to the indignity of a search for contraband and an impressment of seamen on the pretense that they were British subjects.

One particularly flagrant case, it is true, was rectified after protest; which led Jefferson to the outburst that England was "a living example that no nation however powerful, any more than any individual, can be unjust with impunity"; and to the dark hint that public opinion, "an instrument merely moral in the beginning, will find occasion physically to inflict its sentence on the unjust."[17]

What he meant by the "sentence" to be inflicted by public opinion was a twofold course of action. The first would authorize limitations on or cessations of intercourse with the offending nation; the second would offer means of defense.

But defense did not include the use of the navy. Jefferson realized that the American navy could never hope to cope with the mighty British armaments on the high seas, though he did not sufficiently understand the importance of fast commerce raiders to be employed against British shipping in the event of hostilities. To him defense, as always, meant isolation. Remove your own commerce from the seas, refuse all intercourse with the offender, and protect your harbors from outrage. These outrages had been unfortunately only too numerous, with British warships coming and going at will within American harbors and demanding water, provisions and shore privileges under threat of their guns.

To avoid this humiliating spectacle, Jefferson conceived his pet idea of a vast armada of gunboats. These were merely flatboats or platforms, on which heavy guns could be mounted, and which would take up positions of defense in harbors and the mouths of rivers. In effect, they were floating

forts, unable to put to sea or to be used except for defense purposes. To Jefferson they were the ultimate answer to his problem. A mobile navy was expensive and encouraged merchants to clamor for protection on the high seas. Gunboats presupposed no commerce, were comparatively cheap, and performed their proper duty of protecting American soil from invasion. That they were unwieldly, helpless in rough weather, unmaneuverable, and might be cut out like sitting ducks by raiding parties, did not change his mind in the slightest. Even after they became the laughingstock of his enemies and the source of secret headshakings by his friends, he clung stubbornly to the myth of their essential efficacy and invulnerability.

On February 28, 1803, Congress had authorized the building of a number of gunboats. A year and a half later, barely a handful of the unwieldly monsters were ready; and Jefferson thought that, had there been more of them, he would have sent every one to New York to clean out the impudent British squadron that sailed in and out with impunity.[18] Just how these ungainly flatboats would have been towed through the seas in the face of weather and the British fleet he failed to discuss.

Yet little of this appeared in his Annual Message of November 8, 1804. The matters that really bothered him, as evidenced in his personal correspondence with the Cabinet officers, were not in the Message at all, or were merely mentioned in passing.

The Message, as usual, was optimistic and tended to soothe and allay alarm. The continued harassments of neutral commerce by the European belligerents were dismissed with the remark that they were less than formerly. Most of the Message was devoted to Spain and the negotiations with her over Mobile and Louisiana. But the tone was so calm and the emphasis so moderate that the country might be presumed to be able to relax and suppose that everything was in a satisfactory train. The Tripolitan "barbarians," Jefferson assured Congress, would shortly sue for peace; another sizable stretch of western country had been ceded by the Indians; and finances were in excellent shape, with a substantial amount of the public debt retired during his term of office.

The only sour note was skillfully skimmed over. Gunboats were building, and it might be wise perhaps, he suggested, to authorize the building of more. Not a word about the practical severance of diplomatic relations with Spain, of the British blockading squadron off New York, and the seizure of men and goods from American ships.[19]

But to his Cabinet and Congressional leaders he was sounding a different note. In order to coerce the belligerent powers into a respect for American sovereignty, he told Gallatin, a nonintercourse law might be necessary. Yet would it not be sufficiently effective, he inquired, meanwhile to forbid the entry of British merchant ships alone? [20]

To gain this limited objective, Jefferson personally drafted a bill which he proposed to John Randolph for Congressional action. All foreign vessels entering American ports, it decreed, must report and submit to harbor

regulations. Those who failed to conform were to be ordered away. If they refused to go, they were to receive no supplies and be cut off from intercourse with the shore and other ships in the harbor. All other ships of the same flag were to be refused entry. If these pacific measures failed, then force was to be employed.[21]

In the midst of these various maneuvers one hardly knew that a Presidential election was being held. Remembering the turbulence that accompanied the election of 1800, the howlings of calamity, the threats and counterthreats, the election of 1804 moved toward its climax with barely a ripple.

On the Republican side, it was obvious that Jefferson would be a candidate to succeed himself; and after some decent hesitations and protestations that he would have much preferred to retire, he gracefully acceded. As for the vice-presidential chair, however, it was equally obvious that Aaron Burr had received his dismissal papers, and could expect nothing further from the hands of his old comrades. The prize for having helped beat him down went as a just reward to old Governor Clinton of New York. One spoke of him as old, not because his years were ancient, but because of his long, almost mythical service in his native state, and because he was rapidly deteriorating and giving every physical and mental symptom of innumerable years. Plumer thought him old, and that "time had impaired his mental faculties, & debilitated his corporeal powers." When he later took over the chair in the Senate, he was unable to preserve order, forgot both the business and even the question before the Senate. Yet Plumer acknowledged that the more he saw of Clinton, the more the old man rose in his estimation.[22] What made Clinton acceptable to Jefferson was the knowledge that he would never make a formidable candidate for the presidency, to which Jefferson had already privately chosen his successor.

On the Federalist side, the situation was hopeless. The irreconcilables had long given up any expectation of beating Jefferson for re-election. But some of them had hoped, in conjunction with Burr and his dissident Republicans, to draw off New England, New York and New Jersey into a separate Union of their own which would leave the Republican South and West, largely agricultural in economy, to stew in their own juices. That scheme had failed with Burr's defeat in New York. So that, perforce, they must go through the motions of opposing Jefferson's re-election.

But never in the history of the United States has a rival candidate been so obscure that there were many in the country who did not know who he was. Charles Cotesworth Pinckney had accepted the thankless task of heading a ragged and tattered party, and very sensibly did nothing to disturb the even tenor of the election. So secure, indeed, did Jefferson feel that not once in his correspondence did he mention the approaching election or the name of his supposed rival.

The careful, canny policy of Jefferson for four years bore overwhelm-

ing dividends now. The South was his, the Middle States were his, and even rock-bound New England bowed to the torrent. When the election results were announced, Jefferson had won one of the most amazing victories in American history. Only that which accompanied the second term of Franklin D. Roosevelt could be compared with it.

He swept every state except Connecticut and Delaware; and even in Connecticut—that stronghold of Calvinist divines—he lost by a small majority. Massachusetts—the home of the Essex Junto, of the Adamses, of the mercantile and commercial classes—had gone down the line for Jefferson. The electoral vote stood at 162 to 14!

Jefferson took the result modestly and without fanfare. What gladdened him more, perhaps, than anything else, was the triumph in Massachusetts. It was a case, he thought, of the old Biblical adage coming true: that 'this our brother was dead, and is alive again: and was lost, and is found.' With Massachusetts in the fold, he felt certain that Connecticut must eventually follow, "dismount her oligarchy, and fraternize with the great federated family." He foresaw an era of tranquillity and prosperity; and depicted a somewhat utopian state of foreign relations. "With England," he said unblushingly, "we are in cordial friendship: with France in the most perfect understanding; with Spain we shall allways be bickering, but never at war." [23]

He had come around finally to the idea of a presidential term of four years, with *one* privilege of re-election, as against his old firm belief in a single seven-year term and permanent ineligibility thereafter. Accordingly, he advised his friends that he would retire at the end of this second term to which he had been elected; and he hoped that his action and that of Washington would form for the future a sufficient precedent against anyone else attempting more than two terms. Jefferson did, however, allow himself a loophole. There was, he declared, "but one circumstance which could engage my acquiescence in another election, to wit, such a division about a successor as might bring in a Monarchist." [24]

His protégé William Short, now in Philadelphia, reported to him that Federalist hatred of Jefferson had eased off there, and that he himself had actually been made welcome at Federalist tables. Jefferson was happy to hear of it, though somewhat sceptical. He expected the scurrilities in the press against him to continue. "The editors," he remarked, "are but cooks who must consult the palates of their customers." Had the Federalists been co-operative, he added, he would have allowed them "a very moderate participation in office." But they had spurned his overtures; and now "I proceed in all things without caring what they will think, say or do. To me will have fallen the drudgery of putting them out of condition to do mischief; my successor I hope will have smoother seas." [25]

A good many highly placed Federalists, however, were beginning to find in Jefferson, if not yet in Republicanism, less of the horned devil than

of old. Senator Plumer of New Hampshire, for example, was willing more and more to dine with the President, though his friends warned him against the contamination. For one thing, he liked the dinners and was enthusiastic about the wines. For another, he was curious about this strange example of heterodoxy. On one occasion, he found Jefferson in an old and threadbare coat, with new and clean scarlet vest, corduroy small clothes and white cotton hose; though the linen, he was sorry to observe, was soiled and the slippers old. A month later, however, Jefferson was resplendent in a new black suit and silk hose, his linen irreproachably spotless and his hair highly powdered.[26]

Another maverick Federalist was also beginning to make Jefferson's acquaintance—or rather, reacquaintance. This was John Quincy Adams, currently Senator from Massachusetts, and willing to resume relations with his ancient friend. He dined with Jefferson, and wrote the results down in his Diary. Jefferson, he observed dryly, loved to tell "tall" stories with a straight face, and to excite the wonder of his auditors. Such, for example, was the one about learning Spanish on his voyage to Europe, using only a copy of Don Quixote as his text. Another was his grave statement that he had been through a six-week period in Paris when the temperature stood constantly at twenty below zero, Fahrenheit.[27]

Both Plumer and Adams were eventually to become Republicans.

Jefferson was very anxious to have the young men of Virginia learn French and Spanish. These two languages, he felt, were essential to anyone who wished to play a part in his country's destiny. From the idea of language study, it was an easy transition to the idea of a University. That had never been far from his thoughts and, hearing now from his friend, Littleton W. Tazewell, that the legislature was likely to consider the project again, all his old enthusiasm revived. "Convinced that the people are the only safe depositories of their own liberty," he wrote, "& that they are not safe unless enlightened to a certain degree, I have looked on our present state of liberty as a short lived possession unless the mass of the people could be informed to a certain degree. This requires two grades of education. First some institution where science in all its branches is taught, and in the highest degree to which the human mind has carried it. This would prepare a few subjects in every state, to whom nature has given minds of the first order. Secondly such a degree of learning given to every member of the society as will enable him to read, to judge & to vote understandingly on what is passing. This would be the object of township schools."

He was fertile with plans and suggestions to be brought to the attention of the legislature, including Priestley's and Dupont's schemes of education. He proposed liberal professorial salaries to attract the finest scholars of Europe, who in turn would attract the youth of all the States to Virginia. Already he had in mind what the University should look like physically.

He hated large buildings as ugly, inconvenient, and exposed to fire hazards. He envisaged plain, small buildings to house the school and lodging of each professor, connected with one another by covered ways, into which the student rooms would open. In short, the University would not be a single structure, but an academic "village."

If the plan went through, he would be happy to bequeath to the University his private library; of which he boasted that, while its financial value was not less than $15,000, "its value is more in the selection, a part of which, that which respects America, is the result of my own personal searches in Paris for 6. or 7. years, & of persons employed by me in England, Holland, Germany and Spain to make similar searches. Such a collection on that subject can never again be made." [28]

Alas, once more the Virginia legislature moved gingerly up to the proposition and then backed away from it. It was twenty years before the plan was consummated, and Jefferson then reminded his old friend, Tazewell, of that earlier proposal of two decades before.[29]

The interim between the end of one term in office and the beginning of another was chiefly devoted to marking time, though Jefferson continued to push his campaign for gunboats as against a navy with vigor and pertinacity. He had calculated mathematically—at least to his own satisfaction —that 240 gunboats at a total cost of a million would adequately defend the fifteen chief harbors of the United States; and that they could be hauled on shore under sheds at a minimum upkeep when not in use. On the other hand, the requisite number of forts would cost $50,000,000 and require from 12,000 to 50,000 men to garrison them. Even then, they would not be nearly as effective.[30]

He never could understand the ridicule that greeted his theory of gunboats, particularly when it came from Republicans. When the merchants of Norfolk joined in opposition, his indignation knew no bounds. "Is it the interest of that place," he demanded wrathfully, "to strengthen the hue and cry against the policy of making the Eastern branch our great naval deposit? Is it their interest that this should be removed to New York or Boston to one of which it must go if it leaves this? Is it their interest to scout a defence by gunboats in which they would share amply, in hopes of a navy which will not be built in our day, & would be no defence if built, or of forts which will never be built or maintained, and would be no defence if built?" [31]

Jefferson's influence was sufficiently strong in Congress, particularly after the impressive evidence of the election, to force through what he wanted. If Congress did not grant the total of gunboats at once, at least it made a good beginning. On March 2, 1805, it authorized the President to build up to twenty-five of these strange new ships of war, and appropriated $60,000 for the operation.[32]

More important, however, was the bill which passed the following day,

and which, to Jefferson, embodied the hard core of his theory of dealing with intransigent foreign nations. Under the guise of "An Act for the more effectual preservation of peace in the ports and harbors of the United States, and in the waters under their jurisdiction," it gave Jefferson exactly that power for which he had asked in dealing with England. In the event of any crime committed by a person or persons on a foreign vessel in the waters of the United States, declared the Act, the United States Marshal and the armed forces of the United States were authorized to execute a proper warrant against the guilty parties, even though they were aboard an armed ship of a foreign country. It also gave the President power to interdict, at pleasure, the harbors and waters of the United States to foreign armed vessels and to remove them by force if necessary. Similarly, he could forbid all intercourse with or supplies to such a ship, and arrest any vessel attempting to enter an American port after having committed a trespass against an American ship on the high seas.[33]

These were far-reaching powers, and directed solely, as everyone knew, against Great Britain. Jefferson believed that their exercise, or the threat of their exercise, would shortly bring that proud and arrogant nation to terms; but others were certain that, if enforced, they must inevitably lead to war.

This powerful weapon for good or ill was placed in his hands by an outgoing Congress on the final day of Jefferson's first term as President of the United States. On the following day, his second term of office commenced, and with it, new problems unforeseen and as yet unpredictable.

CHAPTER 57

Trouble with Europe

FOR the second time Thomas Jefferson walked quietly to the Capitol building, accompanied by militia and troops of admiring citizens, and took the oath of office as President of the United States. For a second time he read his Inaugural Address in a voice half-audible and unheard by a large part of his audience.[1]

It was quite a different occasion from that first appearance. Now no one feared he knew not what; everyone felt assured that the re-elected President would proceed along the lines he had already laid down, and that no violent convulsions of nature or of man were to be expected.

Jefferson himself realized the difference, and noted on the draft of his address: "The former one was an exposition of the principles on which I though it my duty to administer the government. The second then should naturally be a *conte rendue*, or a statement of facts, shewing that I have conformed to those principles. The former was *promise:* this is *performance.*" [2]

Therefore, as was fitting for a day of triumph and an era of almost universal good feeling, the address was largely retrospective and an account of a stewardship well done. Nothing was to be permitted to interfere with the harmony of the occasion, or to point to ominous clouds on the horizon.

Abroad, he declared, "we have endeavored to cultivate the friendship of all nations"; at home, "the suppression of unnecessary offices, of useless establishments and expenses, enabled us to discontinue our internal taxes. . . . What farmer," he exclaimed, "what mechanic, what laborer, ever sees a tax-gatherer of the United States?" And, when the public debt was finally extinguished, he hoped that a proper Constitutional amendment would permit the revenues thus liberated to be distributed among the States and applied by them "to rivers, canals, roads, arts, manufactures, education, and other great objects within each state." Not, it must be noted, to be employed by the *federal* government for these or any other purpose.

He turned next to the congenial topic of Louisiana, perhaps the most brilliant success of his entire administration. Some had feared its acquisition, he remarked complacently, and thought such an undue extension of territory would endanger the Union. "But who can limit the extent to which the federative principle may operate effectively?" he inquired, with a side glance at Montesquieu's heresy. "The larger our association, the less it will be shaken by local passions."

As for the Indian tribes, Jefferson avowed himself commiserative of their plight in being overwhelmed by the irresistible current of our flowing population. But he was trying, he added virtuously, to accustom them to narrower limits by diverting their attention to agriculture and the domestic arts; though their ignorance, pride and prejudice sometimes hampered his well-meant efforts. What he did not tell his audience was the fantastic number of acres he *had* managed by fair means or foul to transfer from Indian tribal sovereignty to the sovereignty of the United States during the past four years. According to the private report of the Secretary of War, 50,000,000 acres had been thus transferred at a total cost of $142,000.[3] A princely domain, indeed!

The last item on which he spoke was freedom—the freedom of religion and the press. He had, he declared, followed the Constitution faithfully in these respects, even though there had been many abuses of their privilege by the press. He was willing, he said, to leave the offenders to the public indignation.[4]

All in all, the Address skirted every major item, and even made small and unimportant those items which did have intrinsic importance. It was a smooth, superficial performance, giving the people very little insight into the real accomplishments of the preceding administration or any conception of the problems which currently confronted the country. In short, it was a political document that pointed with pride, and placated and glossed over where pride could not be rendered visible.

With the Inaugural out of the way, Jefferson settled down comfortably to the prospect of four more years in office. There were some changes in his Cabinet, though none of major importance. The twin mainstays—Madison and Gallatin—remained steadfastly with him. So did Dearborn in the War Department. But Levi Lincoln resigned as Attorney General, and Robert Smith, tired of a Navy which was obviously the stepchild of the administration, asked to be transferred to the more attractive Attorney-Generalship. Jefferson complied, and offered the Navy post to Jacob Crowninshield of Massachusetts. But Crowninshield refused the position, even after the Senate had confirmed him; and Smith was finally induced to remain in his old post, while John Breckinridge of Kentucky became Attorney General. It made for a technical mix-up; and in the end, it seems that Smith was never officially confirmed in his old post, holding *de facto*.

At about this time, Jefferson made the acquaintance of a curious medical figure, Dr. Benjamin Waterhouse of Massachusetts. It had been through this enthusiast for medical causes that Jefferson had received samples of living virus taken from human smallpox patients for reinoculation into members of his family and a circle of neighbors and friends in Virginia. But Waterhouse had more enthusiasms than the prevention of smallpox. He hated tobacco and liquor as well, and wrote violent tracts against them.

He was a combative person and eventually quarreled with Harvard, tried to set up a rival medical school, and finally, doubtless at Jefferson's instigation, was given a military medical post by Madison in 1813.

With a curious audacity, he now sent his blast against tobacco to Jefferson. After all, Jefferson's livelihood depended on the continued use of the fragrant weed. Yet Jefferson good-humoredly accepted it, and even agreed with its tenets as to the physical, moral and political consequences of tobacco cultivation.[5]

Yet at about the time of this urbane agreement, Jefferson was purchasing a warehouse, in order to bring back to his neighborhood the traffic in tobacco which, for want of proper merchandising, had been going to Columbia, South Carolina.[6]

As usual, he was in want of money, finding it extremely difficult to finance the comparatively moderate cost of the warehouse. But he never undercut the scale of his expenditures. His dinners continued numerous and justly famous. His French maître d'hôtel and his French cook were the envy of all Washington hostesses, and it was universally agreed that no table served such an abundance or variety of rare and costly wines. He had installed in the President's House a set of circular shelves so contrived that, on the touch of a spring, they turned out of the wall laden with dishes from the serving pantry on the other side, and then sprang back into concealment.[7]

He purchased a pair of mockingbirds, one of whom he named Dick, and faithfully noted their days of singing and of silence in his account book. As became his position, he subscribed to numerous charities, churches and educational projects.[8] He also, in spite of his republican simplicity, employed a "Chariot, two Phaetons and one Gig" for his use in Washington, and duly paid the carriage tax therefor.[9]

He was so enthusiastic about the polygraph that Peale had made for him that he pressed its use on all his friends. It was, he averred, "an inestimable invention," to which the old copying press was but a poor thing in comparison.[10]

For all his talk of harmony and sweetness and light domestically, the Republicans, for lack of Federalists to fight, were engaging in bitter civil war among themselves. Though Burr had vanished from the political scene, his followers were still attacking the Clintonians and Jefferson himself with unexampled ferocity; while Burr was laying the groundwork for that expedition, the repercussions of which were to rock Jefferson's second administration. In Pennsylvania, the Republicans were locked in fierce battle, and both sides called on Jefferson for aid. But sensibly, he steered a neutral course, giving aid or comfort to neither as against the other, and fearing rightly that the discomfited minority might make common ground with the Federalists.[11] The revolt of John Randolph of Roanoke was still to come, but the signs and portents were already there. All in all, Jefferson was to have more trouble with his own party than with the defeated Fed-

eralists. His prophecy that an overwhelmingly victorious party carried within it the seeds of its own dissensions was coming true.

Foreign relations, in spite of their scanting in his Inaugural Address, continued to hold the center of the stage. Spain, declared Jefferson, "has met our advances with jealousy, secret malice and ill-faith.... And the issue of what is now depending between us will decide whether our relations with her are to be sincerely friendly, or permanently hostile." [12]

Of course, Spain might have retorted with equal or greater justice that protestations of ill faith came with an ill grace from a nation that had relentlessly harried her along every border, taken secretly a vast territory in violation of a French commitment not to give it to her, and now sought more of her territories by claims that were badly founded, to say the least.

Above all, in this delicate state of negotiations, Jefferson feared the dispositions of the people of New Orleans and of Louisiana. He had at first evaded or ignored their protests, through commissioners sent to Washington for the purpose, against the violation of the representative principle in their government. In the last days of the preceding session, however, Congress had been compelled to yield to the growing clamor and had granted New Orleans an elective Assembly, and an offer of admission as a State once it held 60,000 free white inhabitants and formed a proper constitution. Louisiana, as more backward, was still to be ruled by appointed officials.[13]

The trouble did not come so much from Spanish and French Creoles, as it properly might, but from Americans who had sought residence and fortune in the new territories and were determined to be possessed of their inalienable rights. Jefferson, in something of a pet, was particularly incensed at this agitation among those who had been Republicans. "Insubordination and opposition will be tolerated as little in whigs as in tories," he exclaimed sharply. "At the same time it is very afflicting to me to see those who have been useful in restoring the ascendancy of the whig principles of our constitution schismatise on grounds which they cannot honorably explain. We must disarm them of the aid of office in doing mischief, but otherwise treat them with all the indulgence due to separated brethren. With respect to Federalists, whether they are in opposition because hostile to the principles of our constitution or to the measures of its administration legislative & executive, we must not strengthen the effect of their opposition by the weight of office.... Disaffected men ought to be satisfied with the protection of the laws honestly extended to them. They ought not to expect the confidence of a government to which they know themselves hostile." [14]

Monroe had arrived in Madrid on January 2, 1805, to find Charles Pinckney sulking, with bags packed, and ready to quit the country; while the Spaniards were equally ready to break off all diplomatic intercourse.

As usual, the arrival of a new plenipotentiary allowed all parties to save face and start a new deal in the eternal card game of diplomacy. Monroe was fully in agreement with Pinckney as to objectives, though perhaps not as to the abruptness of his methods, and Pinckney agreed to stay on.

The two ministers issued what was in effect another ultimatum to Cevallos, demanding once more the cession of the Floridas, and of Texas as far as the Rio Colorado.[15] Once more Cevallos evaded, and sought French support against these aggressive Americans. Monroe requested Armstrong in Paris to sound out the French position, and received the ominous tidings that in the event of a rupture between Spain and America, France would side with Spain.[16]

Monroe placed a bold face on the situation and demanded his passports, which Cevallos granted with suspicious readiness.[17] His mission, conducted with such political fanfare, had ended in failure; so much so, that an enraged Spain used the frankest and most brutal language to the next representative from the United States, George W. Erving. "You may choose either peace or war," Prince Godoy told him. " 'Tis the same thing to me." [18]

But Jefferson, at home, comforted himself with the thought that the practical certainty of a continental war in Europe would, by involving Spain in its toils, give the United States a chance to bring her "to reason," and without war.[19]

While negotiations with Spain had thus reached an impasse, relations with England were dangerously worsening. All through 1805, British warships were literally blockading New York Harbor, and compelling all ships entering or leaving to submit to search and possible seizure. Seizures were made on the slightest pretext, and meant carriage to Halifax, prize courts, heavy costs and even confiscation. And every seaman, whose American papers were not in apple-pie order, was liable to be seized and impressed forthwith for service in the British navy.

These were humiliations and outrages not to be borne by a sovereign state; yet what was to be done about it? The Federalist merchants of New England and New York, though they grumbled and complained, were eager to swallow their national pride in the face of mounting profits. No matter how they were harried by British practices, the alternative of war was not to be thought of. In spite of harassments, of costs and confiscations, the carrying trade was an extremely profitable one; and those ships which got through unmolested more than made up for the losses on those that did not. War would put an end to all traffic; and ruin, financial if not moral, would stare them in the face.

But the Republicans, the South and Mr. Jefferson were hot against these barefaced invasions of sovereignty. Not having the financial returns to comfort them in their humiliation, they felt all the more keenly the hurt to national pride. Congress, in March, had placed a weapon in Jefferson's

hands in the shape of the Interdict. Whether he was to employ it—with the consequence of overt war—rested with him.

Meanwhile, Monroe seemed to be moving from crisis to crisis. Quitting Madrid, he hurried to London, arriving there just as an epochal decision was being handed down (July 23, 1805) by Sir William Scott, sitting on a prize case in the Court of Appeals.

In the case of the seized American ship *Essex*, he reversed a former ruling of the same court whereby American ships had managed to evade the navigation laws. By breaking passage from the French West Indies to England at an American port, they had thereby been able to remove the enemy taint, and to sell French wares as neutral merchandise. But Scott's decision put an end to this practice, and placed the burden of proof on the shipmaster that the original intention had been to bring the goods *permanently* to the United States.

The decision created a storm of indignation when the news of it reached America. The Federalist merchants were for once equally as furious as the Republicans. For it had been just on this ancient rule of the interrupted voyage that they had been able to garner such extraordinary profits.

In fact, Federalist fury now far exceeded the Republican. The latter, indeed, viewed this new development with some complacency. Merry, the British Minister at Washington, reported the results frankly to his home government. "The sensation and clamor excited by this news from England (which has already caused the insurance on such cargoes to be raised to four times the usual premium)," he wrote, "is rendered the greater by such events having been totally unexpected, and by the merchants here having, on the contrary, considered themselves as perfectly secured against them." Yet, to his amazement, Madison had not made a single representation to him about the situation.[20]

Jefferson, indeed, alarmed by the truculence of Spain and the well-grounded belief that her truculence was based on promises of French support, had hoped to be able to come to terms with England. "We should not permit ourselves," he exclaimed to Madison, "to be found off our guard and friendless." [21]

As the news of the break with Spain came in, Jefferson's perturbation increased. So did Madison's. "The more I reflect on the papers from Madrid," wrote the latter, "the more I feel the value of some eventual security for the active friendship of G. B. but the more I see at the same time the difficulty of obtaining it without a like security to her for ours." What that mutual security meant was a military alliance.[22] To such strange bedfellows had the exigencies of the occasion committed these two decriers of all treaties.

So much in earnest were the President and the Secretary of State concerning the necessity of a military alliance with their oldest and most hated enemy that Jefferson actually drew up a set of terms. The treaty, he said, was to be provisional only and come into force in the event of an American

clash with either France or Spain during the current European conflict. In such a case, England was not to make peace until Spain acknowledged the boundaries of Louisiana as we conceived them, and paid indemnification for the spoliation claims, for the security of which we would seize the Floridas. Jefferson was convinced that England would be only too happy to agree, so as to have us on her side. With such a treaty, he continued in optimistic vein, "we might await our own convenience for calling up the *casus foederis*." He expected that Monroe, now in London, would get to work immediately on the treaty.[23]

It is no wonder then that, with these vast schemes in contemplation, Jefferson was averse at the moment to twist the tail of the British lion unduly, and to exercise his powers under the Interdict against the British blockade and impressments, or even to protest too strenuously against Sir William Scott's fateful admiralty decision.

But a variety of circumstances finally caused Jefferson's resolve to weaken, and his plans to vacillate. For one, the clamor of the despoiled merchants, shipowners and the families of impressed seamen rose to new heights. Memorials came pouring in from the merchant groups of New York, Philadelphia, Newburyport, Charleston, Baltimore and Norfolk appealing for relief from the heavy losses sustained as a result of British, French and Spanish seizures, as well as a flood of individual complaints.[24]

Just as ominous was the report now laid on Jefferson's desk, disclosing during a single year a total of 781 applications from American seamen who had been impressed into British service and called on the American legation for relief in their distress.[25]

It was obvious from the nature of the protests and their geographical origin that southern merchants were being hit hard as well as New Englanders.

Nor was Monroe's experience in England in consonance with Jefferson's theoretic belief in the eagerness with which England would welcome an alliance with us. The British, indeed, seemed obtusely indifferent to the advantages thus dangled before them, and callously refused to give up seizures, impressments or Scott's rule for the pleasure of being our military ally. In considerable dudgeon, Monroe wrote Madison that he saw no prospect of coming to terms with England. "On a review of the conduct of this Government towards the United States, from the commencement of the war," he declared wrathfully, "I am inclined to think that the delay which has been so studiously sought, in all these concerns, is the part of a system, and that it is intended, as circumstances favor, to subject our commerce at present and hereafter to every restraint in their power." [26] In fact, he was ready at this moment to pack up and leave for home, convinced that his whole European mission had ended in complete failure.

With these obdurate facts before him, Jefferson refused to abandon his optimistic views. He shifted his tack with agility. Foreseeing that Europe

would be shortly embroiled in an extensive war, he now believed that it would be better *not* to be tied up with embarrassing alliances. With all Europe busy with its own problems, an aloof United States would have a breather of perhaps two years to achieve her goals, and even if embroiled, once our aims were achieved, we could retire without asking anyone's leave.[27]

He persisted in blowing hot and cold. There were those, and Monroe had been among them, who insisted that he cut the Gordian knot of Spanish relations by marching American troops into the disputed areas of Texas, seize the Floridas and let events take their course. But Jefferson, who threatened regularly to do just that, as regularly backed away from the use of force each time a showdown seemed imminent. Even now, with his policy seemingly in ruins about his ears, with Spain stubborn, France plainly on her side, and England averse to any consideration of the blessings of an alliance with us, with the warships of all three nations despoiling our commerce at will, Jefferson still clung to the healing uses of time and blandly insisted on his demands.

On November 14, 1805, just as though it had not laid down similar conditions before, the Cabinet reiterated its fading ultimatum. Spain, it decreed, must cede and deliver both Floridas to the United States at once; for which $5,000,000 would be paid. Spain was to agree to the American delineation of the boundaries between their respective territories. Spain was to pay $4,000,000 to the United States as indemnification for her spoliations of American citizens. Spain was to put up the country of the Rio Bravo as security for this payment; and if she did not make good, it was to be forfeited.[28]

Having thus laid down these ironclad conditions, the Cabinet adjourned.

On December 3, 1805, Jefferson went before Congress with his Annual Message. He could no longer content himself, as in his Inaugural, with vague platitudes. We were *not* on terms of harmony and friendship with the nations of Europe, and peace and prosperity did *not* stretch in endless vistas.

Now he was forced to admit that some of the European belligerents were threatening our "peaceable country." Foreign relations had changed considerably for the worse since the last session of Congress. Our coasts were infested with piratical armed vessels, which plundered, captured and sank American shipping. Even the *public* warships of Europe were acting like pirates in our waters, interpolating new principles into the laws of nations (an allusion to Scott's decision) and monopolizing commerce with their own enemies, while denying that commerce to neutrals.

Spain, he complained, had been obdurate. She had refused compensation for spoliations, was obstructing our commerce with Mobile, and had done nothing about settling the boundaries of Louisiana. In fact, she was raiding

into Orleans and Mississippi, seized our citizens and plundered their property, necessitating a general alert for our troops on the border.

Such outrages on all sides, declared Jefferson, must be met with force, if no peaceful means of stopping them existed. Hence it was necessary to fortify our seaports, to increase the number of our gunboats, and perhaps to place the militia on a more youthful basis, so as to leave the older men "in the bosom of their families."

He was ready, he averred, if Congress so ordered, to build ships of the line carrying seventy-four guns; and submitted a measure for the immediate prohibition of the export of arms and ammunition. He also suggested that the limits on the number of seamen in peacetime service be raised.

After these alarmist considerations, Jefferson turned to more congenial topics. The war with Tripoli had ended on a most satisfactory basis, the Indians were now sensibly turning to agriculture (and selling their lands to the United States in the process), the Missouri country was being explored, and $4,000,000 more of the public debt had been extinguished.[29]

This was the public message, and it breathed alarm and bellicose threats. It was a clarion call to the country to prepare for war, and advocated all the things that had been anathema to Jefferson before—fixed fortifications and a huge navy. The vacillating Mr. Jefferson, the trimmer and believer in peaceful means, had cast off indecisions and come forth boldly appareled for war. Or so it seemed.

Even some of the Federalists, hard hit as they were by Scott's decision, were impressed with this strange new apparition. The more Senator Plumer considered the message, the more he approved of it. "The sentiments, if I understand them, are more noble, liberal & just than any he ever before avowed." [30]

But Jefferson had no intention of going to war. While thus rattling the saber, he was preparing another and secret message to be delivered to Congress behind closed doors. On December 6, 1805, three days after the public message had gained a measure of applause, came the confidential one.

In this he went into the details of the history of the negotiations with Spain. That nation, he complained, had refused to ratify the convention for the payment of old spoliations, and had refused to draw the boundaries of Louisiana. She had even raided our territories, and Jefferson, while awaiting instructions from Congress, had authorized our border forces to *repel* invasion, but not to pursue into or enter Spanish territory. After some animadversions on the conduct of France, Jefferson declared that the present crisis in Europe was favorable for an immediate pressing for a settlement. "Formal war is not necessary," he avowed. "It is not probable it will follow. But the protection of our citizens, the spirit and honor of our country, require that force should be interposed to a certain degree."

Then came the significant sentences: "But the course to be pursued will require the command of means which it belongs to Congress exclusively to

yield or deny.... To their wisdom then I look for the course I am to take, and will pursue with sincere zeal that which they shall approve." [31]

On the face of it, there seemed no reason for sending this second message with all the trappings of secrecy. It went over much of the same ground as the public message; if anything, it was less bellicose. Congress was puzzled. What was the meaning of this seemingly aimless backing and filling? John Randolph of Roanoke, to whose committee the message had been referred, hurried to the President to discover the solution of the mystery. To him Jefferson opened himself cautiously. He wanted Congress, he said, with the same secrecy and dispatch with which it had handled the Louisiana Purchase, to appropriate $2,000,000 and turn it over to the Executive for the purpose of purchasing Florida. To which Randolph retorted—or so he was later to assert—that he would never agree to such a measure; that it should have been asked for officially in the message; that even if it had, he was still opposed on the ground that it sounded like extortion after the failure of all previous negotiations. It would be better, he insisted, to settle with Spain on the basis of an exchange of territories than to offer her cash.[32]

John Randolph was already on the verge of breaking with the administration, and this secret request for money proved the last straw. He had felt that Jefferson and his friends had been unduly tender of the mass of corruption that went under the name of the Yazoo Fraud. That scandal went back to 1795, when the Georgia legislature, under conditions of unbelievable bribery and corruption, had given away to a private company a princely domain on its western borders. When the odor of corruption leaked out, the people of Georgia rose in fury, sent the malefactors packing, and elected a brand new legislature that voided the terms of sale.

The northern purchasers, who by now included innocent holders of title, organized to protest the annulment, and went to Congress and the courts for relief. A Commission of three members of Jefferson's Cabinet—Madison, Gallatin and Levi Lincoln—was appointed to investigate and report on the tangle of claims; while John Marshall, in the pathfinding case of Fletcher v. Peck, laid down the rule that the rescinding act of the second Georgia legislature had attempted to impair an existing contract and was therefore unconstitutional.

All of which, including the suspicious tactics of Jefferson's Commissioners, infuriated Randolph, who denounced the whole business, including the current negotiations, as a complete fraud; and in intemperate language went so far as to imply that Jefferson and his Cabinet were tainted with the spreading corruption.

Now again, it seemed to him that Jefferson was willing to employ dishonorable tactics to gain his ends, and he resolved to have no part of them.

The committee met on December 7th, and Randolph denounced the message and the secret which Jefferson had disclosed to him. Joseph Nicholson, Jefferson's new personal lieutenant in the House, had in his

pocket a series of resolutions which Jefferson had drafted and given to him for the recommendation of the committee.

These resolutions were a curious medley. They resolved that Spain must be held to answer for the indemnities, that no armed men of a foreign power must be permitted to enter or remain on territory of the United States, that neither Spain nor the United States, pending negotiations, was to take up new posts or strengthen old ones along the border, that the citizens of each country must be allowed free passage on the Mississippi and on the rivers emptying through West Florida into the Gulf. Jefferson had added another one, which held the meat of the matter: that he be authorized to use any unappropriated moneys in the Treasury in his discretion to carry these resolutions into effect, whether amicably or by force.[33]

But Gallatin had objected to the carte blanche on Treasury funds, and Jefferson yielded insofar as to strike it out. Thereby the resolutions were rendered meaningless; but Nicholson, even so, disapproved of them and returned them the next day without having put them to any use.

Randolph, now determined to break with the administration, gravely pretended that he saw nothing in the message which could be construed as a request for money. (He said nothing about his private interview with Jefferson.) Then, without doing anything, the committee adjourned. Randolph had seen Madison in the interim, and heard from him that the money had to be paid to France as a bribe so as to dissociate her from Spain. The idea, so Randolph said, disgusted him; and he declared unremitting war on the men who could propound such double-dealing bribery.[34]

When Randolph later publicly aired his own virtue and denounced the "backstairs" negotiations for Florida, Jefferson scribbled some indignant notes: "The former appropn for Louisiana approved by J. R. in the same words with that he now argues agt backstairs government. No man [knows] more of this than J. R." [35]

The causes of the split between Randolph and Jefferson have exercised the ingenuity of historians. The Yazoo Fraud has been given its due credit; and even the purported failure of Jefferson to offer Randolph the diplomatic appointment to London. But William Burwell, Jefferson's private secretary at this time, denied the tale of London. He attributed the break to Randolph's determination to oppose the Administration unless he was made the sole government leader in Congress, and that he had become infuriated when it seemed that the coveted post was going to Barnabas Bidwell, a new member from Massachusetts. In any event, the secret message precipitated the quarrel, with dangerous consequences for the future.[36]

The defection of Randolph embarrassed Jefferson mightily. He had received intimations from Armstrong in Paris that Talleyrand would be willing to throw the influence of France into our balance for a considerable sum, and settle the entire matter, including Spain's demands, for a total of

$7,000,000. To which Jefferson thought that $5,000,000 would be ample. But it now seemed that Congress was balking; and the prize, so long eagerly panted for, was slipping out of reach.

On December 14th, the committee reconvened, but refused adamantly any appropriation for Florida, voting instead to raise troops for the defense of the southern frontier "from Spanish inroad and insult, and to chastise the same." On January 3, 1806, this resolution was laid before the House, but the administration forces rallied to defeat it by 72 to 58. Now opposed to Jefferson was a coalition of Federalists and renegade Republicans led by John Randolph, and later known to fame as the "*tertium quids*." In their ranks, on this first measuring of strength, were twelve of Virginia's twenty-two representatives; a body blow to Jefferson's prestige.

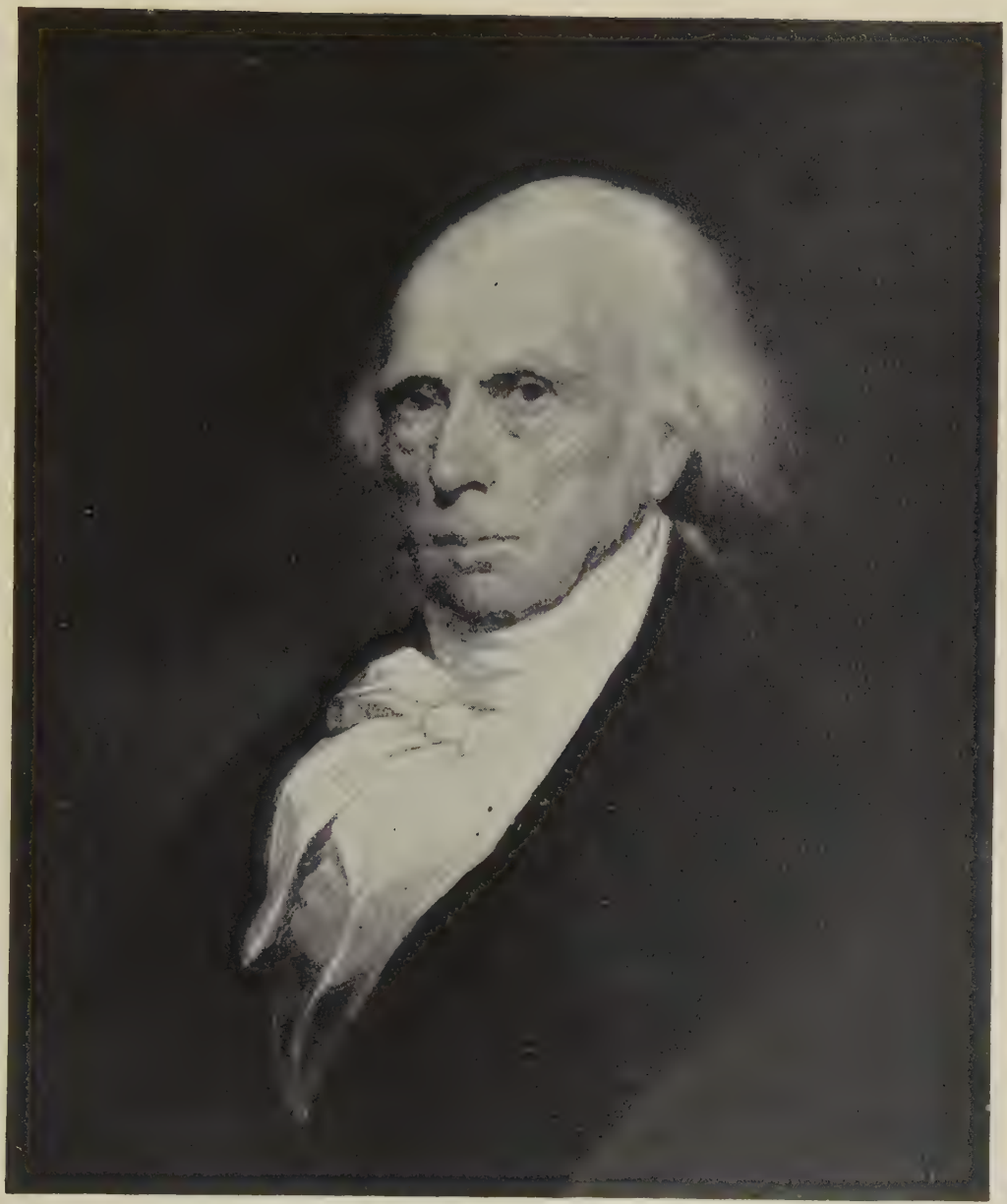
At least one perspicacious senator was reading Jefferson's maneuvers aright. This was Plumer, who wrote in his diary: "I am very strongly inclined to think that Mr. Jefferson intends to purchase the Florida's— That he has not been himself deceived as to the eastern boundaries of Louisiana though immediately after the cession, to render that purchase popular he insinuated that it included West Florida. That all the present clamour for warlike preparation, & the publication of supposed aggressions some of which purported to have been committed three years since, are now made to prepare the public mind for the purchase of the Florida's." [37]

Barnabas Bidwell was now the administration whip in Congress. Aside from being a freshman Congressman, he was a man of mediocre abilities, and his deliberate choice to lead the administration forces disclosed the low ebb to which Republican talents had fallen and Jefferson's standing with his own people. Bidwell could not match Randolph in oratory, sarcasm or vituperation, but at least he could deliver the votes, and this was well enough.

Having spent its force in the attempt to push through Randolph's resolution for defense of the Spanish frontier, the opposition could not muster any further energy to defeat Bidwell's counterproposition to appropriate $2,000,000 for extraordinary expenses in foreign relations. The bill passed the House and went to the Senate on January 16th, with a private explanation that the proposed sum was to be used for Florida. The Senate acceded on February 7th, and the bill was triumphantly signed by Jefferson on February 13th. A dispatch was promptly hurried off to Armstrong in Paris to lay before France the proposition to purchase the Floridas and East Texas for $5,000,000. But the situation overseas had changed in the meantime, and France was now unable to deliver.

Of this, however, nothing was as yet known to Jefferson. He had a right to assume that his tortuous diplomacy with respect to France and Spain had been entirely successful, and that the revolt of John Randolph had met with complete failure.

The next step was to come to grips with the British problem. Freed of



Courtesy the New-York Historical Society, New York City

JAMES MADISON

Painting by Asher B. Durand

Courtesy the New-York Historical Society, New York City

DOLLY MADISON

Painting by Rembrandt Peale

the shadow of complications on the Continent and on his own borders, he felt more confident in proposing bold measures with respect to British outrages. But he knew that he would have harder sledding in Congress on England than on Spain. Already he had suffered a preliminary defeat on his pet militia measure. He had drafted a bill for making that "people's" army a young men's force, classifying the militia according to age groups and family ties, and differentiating between internal and external state service.[38] Thereby he thought to make it at once a more efficient instrument and a more popular one. If it passed, he confidently expected that not a single regular would have to be raised, except in time of actual war. "A militia of young men," he asserted, "will hold on until regulars can be raised, & will be the nursery which will furnish them. I had rather have that classification established, than any number of regulars which could be voted at this time." [39]

In the midst of these activities he found time also to recommend to Congress a revisal of the laws on citizenship. As always, when dealing with general concepts, he displayed a catholicity of thought and largeness of expression that stamped his every utterance with the intimations of immortality.

"Every man," he said, "has a right to live some where on the earth. And if some where, no one society has a greater right than another to exclude him. Becoming indeed a member of any society, he is bound to conform to the rules formed by the majority. But has the majority a right to subject him to unequal rules, to rules from which they exempt themselves? I hazard these suggestions for the consdn of Congress. The only rightful line is between transient persons & bona fide $\frac{\text{residents}}{\text{citizens}}$." [40]

And, by the same token, no country might forcibly hold on to any man who wished to depart from his native land or renounce his connection therewith. "I hold the right of expatriation," he ruled, "to be inherent in every man by the laws of nature, and incapable of being rightfully taken from him even by the united will of every other person in the nation. If the laws have provided no particular mode by which the right of expatriation may be exercised, the individual may do it by any effectual and unequivocal act or declaration." [41]

CHAPTER 58

Monroe's Treaty

ON January 15, 1806, the Senate referred to a committee that section of Jefferson's message which dealt with British seizures and searches. On February 5th, Samuel Smith reported out a series of resolutions which denounced the seizures and recommended prohibitions of British woolens, linens, silks, glassware and other articles as a retaliatory measure.

At almost the same time, a bill was introduced to deal forcibly with British impressments. Any one so impressing an American, it decreed, would be liable to the death penalty as "a pirate and felon," and the President was authorized to retaliate against the offending nation by seizing and punishing vicariously the subjects of that nation and forfeiting their goods as indemnities to the injured seamen.

Such a bill, of course, was so intemperate in its terms and its consequences so assuredly fatal that even though it initially came out of committee in all its pristine crudity, it was later recommitted and quietly postponed to the next session.[1]

In the House, Andrew Gregg of Pennsylvania moved a series of resolutions that were much more stringent and sweeping than Smith's in the Senate. Gregg proposed that "no goods, wares or merchandise, of the growth, product, or manufacture of Great Britain, or of any of the colonies or dependencies thereof, ought to be imported into the United States." [2]

But Joseph Nicholson liked neither Gregg's resolutions nor Smith's. He argued that total prohibitions would hurt the United States much more than England. We would lose some $5,000,000 annually in duties and England would refuse our cotton if she could not sell us her manufactured cloth. *His* solution to the dilemma, therefore, was to select for prohibition only those British manufactures which we could either supply ourselves or import from other countries. He enumerated these as leather goods, tin and brass wares, hemp and flax products, silks, the more expensive woolens, wool hose, window glass, silver ware, paper, nails, hats, ready-made clothes, millinery, playing cards, beer, ale and porter, pictures and prints.[3]

Other members rose to offer their own panaceas. Sloan went even further than Gregg. He would cut off *all* trade with England; while Joseph Clay preferred a milder system which refused trade to ships of those nations which refused similar privileges to our ships.[4]

By common consent, however, Gregg's and Nicholson's resolutions were taken as major and representative of different points of view.

The great debate began on Gregg's sweeping prohibitions on March

5th. John Randolph denounced them immediately as a hidden cloak for war. "If war is necessary—" he thundered, "if we have reached this point—let us have war. But while I have life, I will never consent to these incipient war measures, which, in their commencement breathe nothing but peace, though they plunge at last into war." What carrying trade was being worried about? he demanded. Was it our honest and useful trade? "No, sir. It is that carrying trade which covers enemy's property, and carries the coffee, the sugar, and other West India products, to the mother country. No, sir, if this great agricultural nation is to be governed by Salem and Boston, New York and Philadelphia, and Baltimore and Norfolk and Charleston, let gentlemen come out and say so; and let a committee of public safety be appointed from those towns to carry on the Government. I, for one, will not mortgage my property and my liberty, to carry on this trade." [5]

Randolph's vehement phrases made a profound impression, which administration speakers of considerably less eloquence sought in vain to counter. For he had awakened an echo in the hearts of southern and western agriculturalists. Were they going to fight for a ship trade that benefited solely the seaport merchants, and find the markets for their own raw materials blocked as a result? This was now a struggle between the Northern and Southern wings of the Republicans, with the Federalists standing on the sidelines and cheering the contestants impartially on.

One of the Federalists in the Senate observed the internecine fight with grim satisfaction. "The schism which has taken place between the Northern and Southern Democrats," he wrote, "looks to be of the irreconcilable nature that it never can be healed. J. Randolph and some of his fast friends lead the Southern junto; while Bidwell, General Varnum, Crowninshield and General Thomas appear to manage the Northern Phalanx. In many trials of strength, their force has appeared to be so nearly balanced that the weight of the little Federalist band has given a preponderating turn to the balance." [6]

On March 13th, after almost continuous debate, the House in committee finally refused by a vote of 47 to 70 to consider Gregg's resolution any further, and thereby cleared the way for the others. But Clay withdrew his plan, leaving the field open for Nicholson's resolution.[7]

Once more Randolph rose in opposition, but both he and the administration leaders had exhausted themselves in the preceding debate, and their arguments were comparatively short. Randolph had shot his bolt, and Jefferson's followers now rallied in back of what Jefferson himself wanted. Nicholson's specific prohibitions met with his approval, rather than the total cessation that Gregg envisaged.

The President was following the course of debate with keen interest and considerable anxiety. Should Randolph's revolt prove successful, then his leadership was at an end and his administration ruined. There was more to this than a mere party fight. Randolph had broken irretrievably with

Madison as well as Jefferson, and was seeking to put up Monroe and pull Madison down. But Jefferson had already chosen Madison as his successor, and it was essential to warn Monroe off from joining forces with Randolph.

He therefore wrote Monroe in London a confidential letter. "Some of your new friends [Randolph]," he said carefully, "are attacking your old ones out of friendship to you, but in a way to render you great injury. In a few weeks I shall be able to write less enigmatically. In the mean time be cautious what & to whom you write, that you may not be allied to operations of which you are uninformed. In what is to ensue, my station prescribes to me a sacred neutrality, in which it is in entire unison with my friendships." [8] Jefferson was not being quite frank. He was in fact doing everything in his power to ensure that the Presidential mantle would fall without a struggle on Madison's shoulders; and Monroe was not only to realize it, but to resent it.

At this time, indeed, the whole party seemed at sixes and sevens. William Duane was warning Jefferson that Republicans generally were feeling he had thrown over his southern friends for the benefit of the northeast; that there was treachery within his own Cabinet, with only Madison loyal to him, and that Smith, Gallatin and Dearborn were secretly sabotaging his measures.[9]

His old friend Dr. Logan exhorted his erstwhile idol with stern rectitude. "Your errors in conducting the exterior relations of our country," he wrote sharply, "oppress the minds of your best friends with the most anxious solicitude—you may yet retrieve your character and preserve the confidence of your fellow citizens. Call together your too long neglected Council, take the state of the Union into consideration, submit every subject with frankness to discussion, and united with them, determine on such measures as may preserve the peace and honour of your country. Your own reputation imperiously demands that you should recede from pretensions and projects, which are demonstrably groundless and unjust." [10]

From all sides came warnings, exhortations and threats. Each faction demanded aid and comfort from Jefferson against its enemies, and threatened reprisals if they were refused. Monroe was being undermined abroad, and the charges that Gallatin was working secretly against his chief came thick and fast. Even Joseph Nicholson, it seemed, was being told that Jefferson was trying to throw him over, and the President found it incumbent to write him one of his famous "tares" letters, and another to Nathaniel Macon. To each he wrote along similar lines. "Some enemy, whom we know not, is sowing tares among us. Between you & myself nothing but opportunities of explanation can be necessary to defeat these endeavors. . . . I must therefore ask a conversation with you."[11] To Nicholson, Jefferson offered a federal judgeship.

He was also compelled to deny the persistent rumors that Gallatin and he were at loggerheads, and that his Cabinet was working secretly against

him, insisting that "there never was a more harmonious, a more cordial administration, nor ever a moment when it had been otherwise." [12]

It was obvious therefore that John Randolph must be crushed and Nicholson's resolution passed by an overwhelming majority in the House if the reins of leadership were to remain with the President. Accordingly, he exerted every pressure he could on the members of the House, and did not hesitate to crack the party whip.

On March 17th came the first success—the resolution was adopted by a vote of 87 to 35, with Randolph himself not voting. It was accordingly sent to a committee to bring in a bill. The bill was brought in and triumphantly passed on March 26th by the overwhelming vote of 93 to 32, though Randolph this time firmly voted *nay*.[13]

It was a tremendous victory for Jefferson, and he recognized it as such. "I have never seen a House of Representatives," he wrote exultantly to Monroe, "more solidly united in doing what they believe to be the best for the public interest. There can be no better proof than the fact that so eminent a leader should at once, and almost unanimously, be abandoned." [14] The letter also served as subtle notice to Monroe that he had better not depend on Randolph as an ally to further his Presidential ambitions.

As a matter of fact, Randolph never recovered from the defeat, and eventually lost his powerful position on the Ways and Means Committee. Yet, though his capacity for doing mischief was diminished, there was no one who could stand up to him in debate; and the Jeffersonian forces finally adopted the safe, if ignominious policy of letting his philippics and torrential invective flow unchecked without a single response, except in the voting.[15]

In the Senate, meantime, Smith's resolution never came to a vote; though two others, drawn by John Quincy Adams, denouncing seizures and impressments and demanding indemnities, were passed. But the resolutions contained no means of implementing the denunciations, except that one of them did pave the way toward another negotiation with England. The Federalists voted for this with every intention of embarrassing Jefferson, and of forcing him into a treaty with England which must, they thought, resemble that Jay's Treaty which he had condemned in the past "& branded with odious epithets." [16]

According to Plumer, Jefferson was willing enough to be saddled by the Federalists with a negotiation. He wished himself to appear to be forced by the Senate into a position where he would have to negotiate, though seemingly against his will. And the Federalists, who had thought they were placing him in an embarrassing position, themselves fell into the trap which Jefferson had baited for them.[17]

Thus "urged" by the Senate, Jefferson appointed Monroe as one of the negotiators, and associated William Pinkney of Maryland with him, to

the great disgust of Samuel Smith, who had hoped for the appointment himself.

The climate in England had definitely changed in the meantime, and made the prospects of some sort of settlement brighter than they had been for a considerable time. William Pitt, exponent of strong measures on the sea, had died, and Lord Grenville and Charles James Fox had formed a new Ministry. Monroe, who had been ready to return to the United States, now decided to remain. Fox seemed amiable and more sympathetically disposed to America and her envoy; though Monroe warned Madison that not too much reliance ought to be placed on benign appearances. Let Congress, he insisted, not adjourn without adopting coercive measures against England, which ought to be suspended as a Damoclean sword over her until the ensuing negotiations proved either successful or a failure.[18]

A little later, Monroe was able to report that Fox had suited deeds to fair words, and had taken steps to prohibit further seizures and condemnations of American vessels and cargoes.[19] Thus, without a blow, one half—perhaps the greater half—of American grievances against England had been quietly eradicated.

It is curious that just as Fox was displaying a disposition to come to terms, Jefferson was professing himself at the end of his patience. "The love of peace," he asserted, "which we sincerely feel & profess, has begun to produce an opinion in Europe that our government is entirely in Quaker principles, & will turn the left cheek when the right has been smitten. This opinion must be corrected when just occasion arises, or we shall become the plunder of all nations." [20]

Nevertheless, Jefferson was now determined to seek settlements all around. Armstrong and James Bowdoin were in Paris dealing with the Spaniards under the watchful eyes of Napoleon and Talleyrand. But Armstrong was in disfavor with many in the United States, and Jefferson asked Wilson Cary Nicholas to join them as a third plenipotentiary. Nicholas refused, much to Jefferson's disappointment. He feared that Armstrong was so unpopular with the Senate that any treaty he negotiated stood a chance to fail of ratification.[21]

He placed some hope also in Alexander of Russia to champion the rights of neutrality at any forthcoming peace table, and deftly flattered that monarch with fair words and effusive expressions in order to ensure that he would incorporate in the approaching peace treaties "a correct definition of the rights of neutrals on the high seas." [22] But his main reliance was now on England. The change in ministry had been providential, and he wished to strike while Fox was still malleable and friendly to the United States.

Monroe, however, just when England seemed to be in his grasp, heard with astonishment and dismay that Pinkney had been associated with him in the mission. The glory that should have been his was now to be divided,

with perhaps the lion's share going to this last-minute interloper. Uneasily, Monroe must have remembered how he himself had come into the negotiations over Louisiana and borne the palm away from Livingston. He did not relish the poetic justice of the same thing happening to him now. Certainly the appointment helped foster in his mind those suspicions of Jefferson and Madison which John Randolph had sedulously attempted to implant.

The unwelcome William Pinkney arrived in London on June 24, 1806, carrying official instructions from home. The two plenipotentiaries, explained Madison, were to treat with England on the maritime wrongs and on the regulation of commerce and navigation. Attention was to be called to the recent act which prohibited certain English manufactures—Nicholson's Act—and the execution of which was being held up pending the result of these negotiations.[23]

Jefferson also sent Monroe a private letter, which offered tempting baits with one hand and a warning with the other. Monroe, said Jefferson, could have his choice of the governorship of Orleans or Louisiana. The latter, he intimated, offered "the finest field in the US for acquiring property." At the same time, he made certain that Monroe was aware that Randolph had passed from the picture as an influential figure, and that he was now a leader with hardly a follower. Eventually, he indicated, Randolph must turn Federalist and thereby become anathema to all true Republicans. As for the situation in England, the accession of Fox insures "a just settlement of our differences," and makes it possible for the two great nations to come to an understanding. We prefer, declared Jefferson, an English ascendancy on the ocean to a French; and there arose in his contemplation the idea that "the whole gulph Stream" came within the sovereignty of the United States, "in which hostilities & cruising are to be frowned on for the present, and prohibited as soon as either consent or force will permit us."[24] This was a grand conception which Jefferson realized only too well was unenforceable at the moment, and which in fact waited for the twentieth century to be made effective.

But Madison's—and Jefferson's—terms as embodied in the instructions were of such a nature that it was incredible that even Fox would assent to them. They demanded as a price for the repeal of the nonimportation act that England abolish impressment, permit the restoration of American trade with the French colonies on the old basis, and pay indemnities for the captures and confiscations under Scott's decision. And, to cap the climax, Fox died on September 13th, bringing the whole structure of fair expectations tumbling to the ground.

In alarm, Monroe and Pinkney asked for a further suspension of nonimportation in order to give their negotiations some chance of succeeding; and later reported that Lord Holland and Lord Auckland, who had taken over the British side of the negotiations, were willing to yield on many

points but presented a stone wall on the all-important questions of impressment and trade with the enemy colonies.[25]

As if to add to the troubles of the envoys, Napoleon signed his notorious Berlin Decree on November 21, 1806, which declared England to be in a state of blockade, that all intercourse with her was prohibited, that all British property, public and private, constituted a prize of war, and that all ships sailing from England or her colonies were forbidden entry into any port controlled by Napoleon or his allies. This was in answer to a paper blockade which England had recently placed against the whole French and German coasts; and between them, America seemed cut off at one swoop from all trade with Europe and her colonies.

Under these untoward circumstances the American envoys in England determined to salvage what they could from the wreckage, threw their official instructions into the discard, and signed a treaty with England on December 1, 1806, which omitted all reference to the most important conditions laid down by Madison and Jefferson as conditions precedent.

No mention was made of impressments in the treaty itself—though a separate note promised that care would be taken in the future not to impress Americans. The question of indemnities was dismissed altogether. As for the trade with the French and Spanish West Indies, the stipulation was made that their products must be bona fide property of United States citizens, must first be landed in United States ports, pay custom duty there, and *then* be reshipped to European ports. As for the *British* West Indies, they were to remain closed to American shipping.

As if these terms were not onerous enough, a note was hastily appended on receipt of news of the Berlin Decree that unless the United States, before ratification, gave security that it would refuse to recognize the Berlin Decree, England would in turn refuse to be bound by this treaty.[26] And, England issued its own retaliatory Order in Council on January 7, 1807, which forbade all neutral trade from any one French port, or that of her allies, to another.

No wonder, when this remarkable treaty finally came back to American shores, it aroused a storm to which the ancient Jay's Treaty had been merely a tempest in a teacup.

This was a trying year for Jefferson. Public affairs were not going well, his best friends were squabbling and involving him in the toils, and his party, built up with such infinite pains, was cracking at the seams and appeared ready to burst asunder.

He was also guilty of a grave tactical blunder. By announcing that he was determined not to run again for office, he had lost heavily in influence. Senator Plumer summed up the situation in a few pithy words. "It is letting down his importance. *Most men shun—but all seek the rising sun.*" [27]

Official Washington also remarked that he had aged at least ten years as a result of the squabbles in Congress over his program. The adherents of

Randolph no longer visited him, and the diplomatic corps was at sword's point with him over the rather ridiculous dispute over "pell-mell" and the niceties of etiquette. Only Turreau, the French Minister, still kept up a semifriendly relationship; and Turreau thought he had little "of that audacity which is indispensable in a place so eminent, whatever may be the form of government. The slightest event makes him lose his balance, and he does not even know how to disguise the impression he receives." [28]

Nor were Jefferson's personal affairs in any better state. The calls for money from Monticello were "immense," and he sought desperately from Washington to rehabilitate the nailery and the plantation as the only means for making the estate self-sufficient. He proposed building a new road up the mountain, and fencing in his property from depredations by a fence of thickly planted trees and thorns, sending his overseer a map, materials and full directions. For once his instructions were diligently obeyed, and the road was completed by May 11th.[29]

The controversy with John Randolph also had its impact on his private family life. Both his sons-in-law—Thomas Mann Randolph and John Wayles Eppes—had entered Congress and took the animadversions of the other Randolph on Jefferson very much to heart. So much so that bitter words were bandied back and forth on the floor of the House between Randolph of Roanoke and Randolph of Edgehill and Monticello. The language employed threatened to lead to a duel, and the papers kept the pot boiling furiously with their reporting.

Nothing was calculated to strike greater terror into Jefferson's heart than the thought of an affair of honor which might lead to the widowing of his sole remaining daughter and the orphaning of her brood of children. He penned a moving appeal to his son-in-law to do everything possible, within honor, to avoid the fatal issue of a duel. He begged him not to volunteer anything beyond what the necessities required. "The least expression of passion on the one side," he wrote, "draws forth a little more on the other, & ends at last in the most barbarous of appeals. How different is the stake which you two would bring into the field! On his side, unentangled in the affections of the world, a single life, of no value to himself or others. On yours, yourself, a wife, & a family of children, all depending, for all their happiness & protection in this world on you alone." [30]

Whether it was because of Jefferson's appeal, or calmer considerations on both sides, the matter was allowed finally to drop; but the bitterness persisted to the end of all their lives.

As though Jefferson had not sufficient troubles during this crucial year, two other matters rose to plague him; one of which, in particular, was to lead to what is perhaps the most sensational episode in American history. The other, of lesser importance, related to a filibustering expedition proposed and engineered by one Francesco de Miranda, a native of Venezuela

who dreamed of freeing all South America from the yoke of Spain and who had been busy for years seeking aid in England and America for his grandiose plans. England turned him down, but he met with some encouragement in the United States. Hamilton, who had had his own dreams of glory in connection with South America, had listened attentively and was ready to help; but John Adams, then President, would have no part or parcel of the scheme. Miranda, after further years of ineffectual propagandizing in Europe, returned to the more hospitable United States late in 1805 to take advantage of the war clouds that then hung heavily over Spanish-American relations. He found New York ready, eager and willing for the great adventure; particularly the followers of Aaron Burr. Jonathan Dayton, Senator from New Jersey, John Swartwout, United States Marshal, and William S. Smith, Surveyor of the Port of New York, joined in his scheme for outfitting armed ships from New York harbor, raising volunteers and sailing to revolutionize Venezuela as the first step in the liberation of South America.

While a ship he had purchased, the *Leander*, was being outfitted and volunteers recruited, Miranda went to Washington and met with Madison and Jefferson. The tenor of his conferences has been shrouded in a fog of assertions and angry counterassertions. Miranda later claimed that he unfolded his plans to these high officers of the American government and that they had—at least Madison specifically—encouraged him. Both men were to deny anything of the sort. In any event, Miranda returned to New York, announcing that he had been promised American assistance, and a month later the *Leander* sailed publicly out of New York harbor, unmolested by the authorities.

The expedition was a complete failure. The Spaniards, well warned of the filibuster and its destination, captured the vessel on the high seas, and Miranda was hustled off to a Spanish dungeon to languish for years.

But Jefferson was not to escape unscathed. Angry representations over the palpable violation of American neutrality were made by Yrujo to Madison, backed by a mass of incontrovertible evidence.

Very much embarrassed, the government was forced to take action. On February 5th, Jefferson asked that the District Attorney of New York investigate the *Leander* incident and determine how it happened that the duly constituted officers of the port had allowed the vessel to sail without informing the government in Washington.[31] As a result, Smith and Ogden, the owner of the *Leander*, were indicted and brought to trial. Jefferson hesitated whether or not to remove Smith from his office before a final court determination, finally yielding to Gallatin's insistence that he should.[32] It was fortunate he did, for the New York jury, hand-picked by Swartwout, as United States Marshal, triumphantly acquitted Smith of the charge. Only when it was too late did Jefferson also remove Swartwout from his post.[33]

If the Miranda incident embarrassed Jefferson mightily, the second one rocked his administration.

On February 22, 1806, Aaron Burr made a surprise call on Thomas Jefferson, President of the United States. It was almost a full year since he had departed from Washington as Vice-President, and longer than that since his last strange interview with his former chief. This interview was equally as strange, and Jefferson's notations are our sole source of information concerning it.

In the interim between these interviews, Burr had been defeated for the governorship in New York, he had slain Hamilton in a duel, and he had engaged in certain mysterious trips to the western territories and gone as far south as New Orleans. Rumors and reports had reached Washington of curious activities, but nothing which could be substantiated.

In this final interview, Jefferson recorded that Burr spoke of his former services to the common cause, and uttered some veiled threats that he could, if he wished, do Jefferson "much harm"; but that he wished to be on a "different ground." He would, he said, be in Washington for several days, if Jefferson had anything to propose to him. What he meant, of course, was the offer of some honorable position in government.

But Jefferson refused to take the hint and spoke bluntly instead of the lack of confidence which the public had displayed in Burr as evidenced by the preceding election; and said that, furthermore, he feared "no injury which any man could do me."[34] Thus cavalierly rebuffed, Burr departed and Jefferson thought he was finished with him. He was greatly mistaken.

Much had been happening before Burr had decided to make one last effort to come to an honorable accommodation with Jefferson—matters of which the latter had only the vaguest inklings; and the dismissal now proved to Burr that he must go through with his former plans as the only hope for the rehabilitation of his career and his fortunes.

The vast western territories had long inflamed the imagination of ambitious Americans and the opening of the frontier had been the signal for one of the great pioneering and colonizing movements in history. But the pioneers had run into the exasperating stone wall of Spain, whose command of the Mississippi and its outlet to the open sea placed a seemingly insurmountable obstacle in the way of future expansion and, worse still, a closure on the only road by which western products could be profitably traded. As a result, the West clamored for aid from its government, demanding that the intolerable situation be eased; by war, if necessary. Failing to gain the satisfaction they desired at Washington, there were those who proclaimed their readiness to go to war on their own against the hated Dons; while some few dabbled in strange plots with Spain herself, seeking profit for themselves in secret negotiations that looked eventually to juncture with the Spanish dominion.

Burr, as did many other ambitious men whose fortunes had failed them in the East, looked to a brighter future in the West. He had been friendly

with James Wilkinson during the Revolution, and Wilkinson had early gone west to commence one of the strangest careers in our history. Through a combination of audacity and secret villainy he had managed to ingratiate himself with both the American government and the Spanish. He became in fact the secret agent of Spain, all unknown to his own government or to his colleagues. So successful had his double-dealing maneuvers been that while he was in Spain's employ as a spy, every American official from the days of Washington and Hamilton down to Jefferson himself considered him a gallant and able officer, a good American and a masterful administrator. The result was that when Louisiana became American soil, Jefferson in all good faith appointed him both civil and military commander of the new territory, and thought that he could not have made a fitter appointment.[35] Thus the fortunes of the United States were placed unwittingly in the hands of an unscrupulous scoundrel who had it in his power to shift the tide between the two nations almost at will, and whose sole touchstone for action was the ensuing profit to himself.

Very probably it was from James Wilkinson that Burr, desperate in his own fortunes, received the first idea of what later became the Burr "conspiracy." As far as can be made out from the available evidence, the two friends, in May, 1804, discussed a dazzling prospect to the west and south waiting for spirits bold enough to seize the opportunity. The United States and Spain were on the verge of war; Mexico was in insurrection against her masters; Wilkinson commanded the American troops on the border; New Orleans, recently ceded to the United States, was discontented; every American in the West was only too eager to participate in an undertaking that would drive Spain out of the Americas. What an opportunity for Burr and Wilkinson to liberate Mexico, perhaps even South America, and carve out an empire for themselves beyond the dreams of either modern or ancient times!

Burr harkened—but money was required, and a certain amount of outside aid. England was the logical source, as already embroiled with Spain and willing enough to lop off the vital limbs of Spanish power. He therefore approached Merry, the British Minister, with an astounding proposition. Since Merry hated Jefferson and everything American, since England was then at odds with the United States and anxious to see her reduced in importance, Burr dangled tempting bait. He was ready, he told the gullible Minister, to offer a separation of the Western States from the East if England would supply funds and ships for his project against Mexico and the Spanish dominions. Merry swallowed the bait whole, and warmly recommended the plan to his home government.[36]

England, however, was cold to the project and preoccupied with the threat of Napoleon's proclaimed invasion of her own shores. Undismayed at the silence from across the sea, Burr audaciously next turned for funds to the very nation whose lands he proposed to revolutionize and seize for himself. He spoke to Yrujo, the Spanish Minister. Naturally he did not

disclose his real plans; instead, he filled the disgruntled envoy's ear with vague intimations of a disruption of the United States. But more immediately, he asked for a passport to Mexico. Yrujo, however, was in the possession of secret information—derived perhaps from Wilkinson himself, who was evidently playing both ends against the middle and making certain that, whatever happened, he would come out on top. Yrujo refused the request and wrote in hot haste to the Spanish officials to arrest Burr the moment he should enter any Spanish territory.[37]

In spite of these rebuffs from every side—from Jefferson, England and Yrujo—Burr, shortly after quitting the Vice-Presidency, proceeded west and south on a grand "tour" to examine the terrain and make the necessary connections for a later expedition in force. Traveling by boat down the Ohio, Burr met with an enthusiastic reception all along the way from old army acquaintances and politicians, and from those who welcomed his ideas on an assault against the Spaniard. There were Senator John Smith of Ohio, Jonathan Dayton of New Jersey, Senator John Brown of Kentucky, Senator John Adair of the same state, Matthew Lyon, Congressman, Governor William Henry Harrison of the Indiana Territory, General Andrew Jackson of Tennessee—and of course, General James Wilkinson, Governor of Louisiana. It was an impressive list, comprising the leaders of the West and influential politicians everywhere, who listened to Burr's smooth tongue and were fascinated by his personal gifts and talents, and by the visions of grandeur he unfolded. To none of these, except perhaps to Dayton and Wilkinson, was there the slightest hint of disunion; all the talk was of Mexico and Spain.

But important as these men were, the most valuable acquisition Burr made on this journey was the enthusiastic and devoted support of Harman Blennerhassett, a wealthy and cultivated but eccentric Irishman who had come to America with his young wife, Margaret, to build himself an unusual estate on an island in the Ohio, near Marietta, where he busied himself with chemical experiments and violin playing. Burr, stopping off at the island, promptly dazzled the impressionable pair—particularly Margaret—and enlisted their lives and fortunes in his scheme.

Drifting then down the Mississippi, he met with an equally tumultuous reception at New Orleans, both from the original Creole inhabitants and from such prominent newcomers as the American merchant, Daniel Clark. Well satisfied, Burr returned east; but Wilkinson was cooling in the meantime, due in large part to Yrugo's masterful efforts in spreading rumors concerning Burr's intentions to dismember the Union. In great alarm, Wilkinson foresaw that he might be destroyed in the process if the United States and Spain, his two employers, both turned against Burr, and prudently decided that when the opportunity arose, he would desert and betray the man whom he had initially inspired.[38]

But Yrujo's skill had already produced the effect he desired. Wild rumors began to circulate through the West, and to appear in the public

prints, chiefly in Federalist sheets, whose publishers were ready enough to avenge themselves on Burr for Hamilton's death.

The first report that came to Jefferson of Burr's alleged secret intentions was on December 1, 1805, by way of an anonymous, crudely printed note, postmarked Philadelphia. The writer pretended to illiteracy, but some of his information was remarkably exact. Burr, he said, was meditating the overthrow of the Administration and conspiring against the state. "A foreing [*sic*] Agent" in Washington was backing him; and watch his "conexions with Mr. M . . . y [Merry] and you will find him a British Pensioner, and Agent." [39]

The second warning had a name to it—that of Joseph Hamilton Daveiss, the United States District Attorney for Kentucky, and a staunch Federalist. He urged Jefferson to be on his guard against both Burr and Wilkinson. Concerning Wilkinson he also had some remarkably exact information, declaring that he "has been for years, and now is, a pensioner of spain." Daveiss went even further, averring that "a very exalted magistrate of this country, has lately drawn on spain for his pension." He would, if Jefferson so demanded, disclose his name and that of others in the pay of Spain. In case of war with that nation, he ended, "let neither the first nor second in command be appointed out of the western country." [40]

This was detailed, specific—and alarming. The implications went far beyond Burr; they spoke of the West as a hotbed of treason and disunion, and involved its leading characters. Jefferson turned the letter over to Gallatin for his advice. The Secretary of Treasury was inclined to pooh-pooh the direct charge against Wilkinson, though admitting that he had no very exalted opinion of him. "He is extravagant and needy, & would not I think feel much delicacy in speculating in public money or public land. In both those respects he must be closely watched." But he did not believe him capable of betraying his country.[41]

Jefferson nevertheless wrote to Daveiss that "the information is so important that it is my duty to request a full communication of everything known or heard by you relating to it." [42]

But before Jefferson's letter reached him, Daveiss had already sent a damning list. Aside from Wilkinson and Burr, there were John Breckinridge, Senators Adair and John Smith, Judge Sebastian of the Court of Appeals, Judge Harry Innes, Henry Clay, Governor William Henry Harrison and others not as well known to fame.[43] And, *after* Jefferson's request, he reiterated the names, but added specific accusations, with dates and amounts of money passed, to prove Wilkinson's complicity with Spain.[44]

Jefferson must have been aghast on the receipt of these communications. If Daveiss were to be believed, then *every* prominent Republican in the West was deeply involved in a traitorous conspiracy with Spain, the object of which was to break the West away from the United States and come to terms with that foreign power. Included in the charges were some of

his staunchest supporters, including his old friend, John Breckinridge, who had co-operated with him so closely in putting through the famous Kentucky Resolutions. And who was the accuser? An unreconstructed Federalist, who doubtless had axes of his own to grind in making these wholesale accusations against good Republicans. It is no wonder then that Jefferson dismissed the whole business as doubtless a Federalist plot to disrupt the Republican party, and did nothing further in the premises.

He was more disturbed at the moment over the possibility that Spain might decide to attack New Orleans and regain that vital port which France had, in defiance of her solemn compact, ceded to the United States. He therefore sought to strengthen the border defenses, put his famous gunboats in commission, and proposed a scheme to Congress whereby 2,000,000 acres of land in the threatened areas, divided into plots of 160 acres each, would be granted in alternate plots to able-bodied colonists, not then residents of the territory, who would agree to live on the land and cultivate the soil for a specified number of years, and render service in the militia. This bill he considered one of the most important before Congress. It would provide, he hoped, a large trained militia composed of men who had a stake in the territory to defend against Spanish attack; especially since he was convinced that a large percentage of the existing inhabitants could not be depended on in case of an invasion. His plan was much better, he told Plumer, than the establishment of a regular standing army. But to Plumer the scheme seemed "to establish a new principle in our government—a partial introduction of the feudal system—a system of military tenures." [45] He might have gone even further back in his analogy —to the Roman military colonies on the borders of empire.

The bill was read in the Senate on April 4th, but was postponed until the next session for further consideration. Jefferson was disheartened. With tears in his eyes he confided that none of his favorite measures had been adopted. The bill for the classification of the militia had been rejected outright, and this bill for defending New Orleans had in effect been turned down. "*The people*," he exclaimed, "*expect I should provide for their defence, but congress refuse me the means.*" [46]

Both Congress and his own Cabinet were in an unwarlike mood, at a time when Jefferson himself was gravely disturbed over the defenseless condition of the nation. The same difficulty arose over Tripoli. By the terms of a law dated March 25, 1804, once the war with Tripoli was ended and no further hostilities impended, the navy must be reduced to a peacetime establishment. Yet Captain Rodgers urged that the fleet be kept intact in the Mediterranean until the fall, and Jefferson was inclined to agree. But his Cabinet had voted unanimously to obey the law. This posed a dilemma, and Jefferson sought Robert Smith's advice as Secretary of the Navy. Is this a case, he asked, in which it might be better to take the chance of trouble breaking out in the Mediterranean and not give the

Executive discretion which might lead to harm, or "is it one of those cases where the Executive should hazard the doing good against law, and throw himself on his country for justification?" [47] It was a dilemma which Jefferson was never quite able to resolve, even though he had taken the latter course when it came to the purchase of Louisiana.

CHAPTER 59

The Burr Conspiracy

JEFFERSON breathed a sigh of relief when Congress arose and went home in April, 1806. He had lost his major measures, and had been subjected to bitter attacks from the Federalists and even more bitter assaults from those who had borne the mantle of republicanism in the past.

With John Randolph now ranged against him, with even Nicholson to be placated, he sought another leader through whom his policies might be transmitted to the next session. It is difficult to determine just why he picked on Barnabas Bidwell of Massachusetts for the post: a freshman Congressman in the previous session and a gentleman of mediocre attainments. Perhaps his mediocrity made him more amenable to direction; perhaps the fact that he came from a formerly rock-ribbed Federalist state gave him a certain accolade and made him less apt to betrayal than the more volatile and independent Virginians.

In any event, Jefferson proposed to Bidwell that he run again for Congress, remarking flatteringly that "all eyes look to you. It was not perhaps expected from a new member, at his first session, & before the forms & style of doing business were familiar. But it would be a subject of deep regret were you to refuse yourself to the conspicuous part in the business of the house which all assign to you." [1]

Bidwell responded modestly to the flattery that he would run again and do his best if elected, but he feared he would be able to play only a moderate part in the House.[2]

Meanwhile, Jefferson did not forget his old friend, John Page, now out of the governorship of Virginia and again, so to speak, on the dole. He offered him the Loan Office at Richmond just as soon as the current incumbent died, an event very shortly expected. It paid $1,500 a year and commissions and, as Jefferson pointed out, "the office is a perfect sinecure." Page could even put one of his sons in as a clerk to do the job and thereby gain an extra thousand a year. Not only that, but his son would thereby in effect gain a possession of the office, so that, on Page's death, he would have an excellent claim to the succession.[3]

In the matter of the indigent Page, Jefferson forgot all his fine sentiments about the sacredness of office and permitted old friendship to override the public welfare.

This was the first year that Jefferson had remained so far into the summer at Washington, and he hated it. "Absence from you becomes every day more and more insupportable," he wrote his daughter Martha, "and my

confinement here more disgusting. I have certainly great reasons for gratitude to my constituents. They have supported me as cordially as I could ever have expected; and if their affairs can preserve as steady a course for two years to come, and I can then carry into retirement the good will they have hitherto bestowed on me, the day of retirement will be the happiest I have now to come." [4]

He later returned to this theme in October, after several months at Monticello. "The lonesomeness of this place," he then complained of Washington, "is more intolerable than I ever found it. My daily rides too are sickening for want of some interest in the scenes I pass over: and indeed I look over the two ensuing years as the most tedious of my life." [5]

Among the matters that held him in Washington during the hot season was the question of Yrujo. That Spanish worthy was made the subject of a Cabinet meeting, particularly with reference to the articles violently attacking the government which it was now known he had suborned editors to publish. Spain had promised to recall him, but had not as yet done so, and it was debated whether he should not be peremptorily told to quit the country. It was finally decided, however, to let such action lie over until October.[6]

At the end of July, Jefferson was able to escape to his beloved Monticello where, amidst the scenes and activities he delighted in, he continued to direct public affairs as best he could. John Randolph had taken his grievances home with him when Congress rose and, under the pseudonym of "Decius," defended his own course and attacked the administration in a series of articles in the Richmond *Examiner*. Jefferson was stung to reply, but not *in propria persona*. He furnished his former secretary, William A. Burwell, with the requisite material for a counterattack, suggesting at the same time that it be published under "the mask of a member of the Legislature" in order to avoid suspicion that Jefferson was the source.[7]

Also, while at Monticello, reports from a variety of scattered sources were coming in of the continued activities of Burr; sources of good Republican character. For the first time Jefferson began to betray uneasiness, and he asked his informants for further confidential particulars of the alleged conspiracy. "A knowledge of the persons who may reject," he advised, "as well as of those who may accept parricide propositions will be peculiarly useful." [8]

On October 4th, Jefferson reluctantly returned to Washington to assume once more the burdens of government. Several serious problems awaited him; one was the rapidly unfolding Burr "conspiracy"; the other, what to do about his friend, James Monroe.

Awaiting him was a letter from Monroe in London, declining Jefferson's offer of the government of Louisiana.[9] The declination, in conjunction with the activities of Monroe's friends at home, meant to Jefferson that Monroe

had definitely determined to contest the nomination for the Presidency with Madison in the next election.

An attempt to smoke Monroe out, and to obtain from him, if possible, a disclaimer was made by John Beckley of Virginia. He pretended that John Randolph's activities were without Monroe's knowledge or consent. "Indeed," he proceeded cannily, "the motive to this step was too obvious to admit a doubt that it was a masked friendship to you, to cover the resentment of disappointed ambition *vs* the president & Mr: Madison, for having overlooked *him* in the appointment of Armstrong to succeed Livingston. . . ."

Beckley was Monroe's friend, rather than Madison's; he thought the latter "too timid and indecisive as a statesman, and too liable to a conduct of forbearance to the federal party which may endanger our harmony and political safety." Yet he preferred Jefferson to both of them. Like most politicians, he refused to believe the declarations of an incumbent that he would not be a candidate, and felt that a public demand would be sufficient to make Jefferson run again in order to prevent a schism.[10]

Gallatin also had been placed on a spot. Randolph in a Congressional speech had sought to implicate him in his own split with Jefferson, and the opposition Republican faction in Pennsylvania had on several occasions openly accused him of working secretly at cross-purposes with his chief. Gallatin denied the charges in a letter to Jefferson, and disavowed any collusion with Randolph or any other group. This was in answer to a letter from Jefferson assuring him of his unbounded confidence and his refusal to listen to those who sought to create a split between them.[11]

As a matter of fact, Beckley had been right about the public demand on Jefferson to become a candidate to succeed himself. Whether inspired or not, resolutions, petitions and memorials came in waves from Republican groups all over the country, begging him to stand for a third term.[12] They feared that any other course would lead to an open schism in the Republican ranks, a knockdown fight between Madison and Monroe for the post, and a resulting bitterness that might give the Federalists a chance to sneak back into power. But to all the clamor, Jefferson returned no sign.

Nor did he, in writing to Monroe, give any intimation of the quarrel that was raging at home. He was sorry to hear, he said, of the delay in the negotiations with England because of the death of Fox, whom he greatly admired. "His [Fox's] sound judgment saw that political interest could never be separated in the long run from moral right, & his frank & great mind would have made a short business of a just treaty with you." If a treaty was not concluded by December, however, it could not reach the United States until Congress had risen in March; and ratification would then have to go over to the following December. This would mean that the nonimportation law would have to be in operation for a considerable period, with a consequent "unfavorable influence on the popular temper

of both countries."[13] Jefferson was naturally unaware that Monroe and Pinkney had already concluded a treaty just a few days before.

At the end of July, 1806, Burr sent a trusty messenger, young Samuel Swartwout, to General Wilkinson, bearing a cipher message which declared that their mutual plans had now matured; that the protection of England had been assured; that Burr would depart westward on August 1st, accompanied by his famous daughter, Theodosia, "never to return"; that Burr's detachments were rendezvousing on the Ohio; that, with 500 to 1,000 men, the expedition would proceed down the Mississippi to Natchez to meet Wilkinson; and ended on the note that "the gods invite us to glory and fortune; it remains to be seen whether we deserve the boon."[14]

Without waiting for a reply, in August, 1806, Burr commenced that journey from which, so he thought, he "was never to return." His first rendezvous was Pittsburg, where he picked up a handful of adventurers come to join his party—though nothing near the 500 to 1,000 of whom he boasted; his second was at Blennerhassett Island, where his host was expected to be the financier of his expedition. From the island as a center, Burr sought additional recruits and visited with many of the Western leaders, including John Smith, Andrew Jackson and others.

He was more successful in fascinating the leaders than the rank and file, however; particularly as Federalists like Daveiss on the one hand and Yrujo's unwearied exertions on the other were creating a flock of strange rumors that the true purposes of the expedition were not, as he avowed, to revolutionize Mexico, but to tear the West away from the East and create a new nation.

Wilkinson, in the meantime, was having some prudent second thoughts on the course he should adopt. Which way ought he to lean to protect his own best interests? There had been a time when the Spanish advance across the Sabine River boundary between the two nations created an incident from which it seemed inevitable that war must follow. Secretary of War Dearborn had sent him explicit instructions to repel any invasion of American territory by every means in his power.[15] Yet Wilkinson had refused to act, preferring to keep up his secret communications with Spain—in whose files he was known as Agent Number 13. But the activities of Claiborne and Meade, the American Governors of the adjoining territories, forced him into action of his own and, on September 23rd, he sent a stern note to the Spaniards ordering them to evacuate the west bank of the Sabine at once, or face the consequences. At this particular moment Wilkinson, therefore, had decided to throw in his lot with Burr.

To everyone's surprise, including Wilkinson's, the Spaniards obeyed the peremptory demand and moved back over the Sabine. The war which had seemed so imminent now suddenly evaporated. And with it went Wilkin-

son's impulse, so that once more he could consider the advantages of remaining in Spain's pay.

Accordingly, when young Swartwout appeared in his headquarters at Natchitoches, a concatenation of circumstances had cooled his ardor for Burr and his plans. The cipher letter, breathing war and disclosing that the die had already been cast, alarmed him. He was now placed in an even worse dilemma than before. It was too late to halt his partner, and he no longer saw any advantage for himself in the plot he had helped concoct. Whatever he did might now involve him in ruin. There was only one solution. To employ the cipher letter, with certain discreet changes in translation, as a means for denouncing Burr as a traitor and to pose both to the American government and the Spaniards as their sole savior and conservator.

He acted on this brilliant idea at once. He arrested Swartwout and other emissaries from Burr, and sent off a series of denunciatory letters to Jefferson by special courier.[16]

Having thus accomplished his Judas-like role, he marched to the Sabine and entered into negotiations with the Spaniards. Each, he proposed, was to retire a considerable distance back from the controversial river, and establish a no man's land between, letting the home governments determine the final boundary. To this the Spanish Commandant readily agreed and on November 5, 1806, the pact known as the "Neutral Ground Treaty" was signed.

Spain was elated at this unexpected stroke of fortune. "This treaty," declared the Captain General of Mexico, "insures the integrity of the Spanish dominions along the whole of the great extension of frontier." [17]

The terms of the pact were in direct defiance of Dearborn's orders, yet were unaccountably made good by instructions from Jefferson, written from Washington after the pact had already been signed. Jefferson now wrote that the probability of an early settlement with Spain made it desirable to avoid all hostilities. Let the Sabine therefore be made "a temporary line of separation between the troops of the two nations," and let Wilkinson propose to the Spanish Commandant a convention for the immediate cessation of hostilities, for the holding of current lines without further establishment of military posts, and for the mutual release of citizens of either nation arrested by the other.[18]

What had prompted this sudden retreat by Jefferson was the alarming nature of the reports emanating from the West concerning Burr's expedition, the necessity of dealing with it, and the necessity of proof to Spain that the American government was not involved in the filibuster.

Burr, however, had run into unexpected difficulties of his own. Daveiss, infuriated at Jefferson's inaction, and seeking political capital, had determined to act in his capacity of United States Attorney. Through a subservient press he roused the neighborhood around Blennerhassett's Island to a frenzy of patriotism against the man in their midst who sought

to break up the Union. During Burr's absence, a hastily gathered militia raided the island. On November 5th, Daveiss appeared in Frankfort Court and laid formal accusations against Burr. The latter appeared voluntarily in the proceedings, a Grand Jury was impaneled and the charges were quashed. But Daveiss refused to accept defeat and tried again on December 2nd. Again, after a careful investigation, the Grand Jury vindicated Burr and his followers from any intent to destroy the Union; and Daveiss retired in discomfiture to obscurity.

It was now Jefferson's turn to act and make up for the strange inaction of previous months. On October 22nd, 1806, he convened the Cabinet to discuss the situation; and it was decided to write confidential letters to the Governors of Ohio, Indiana, Mississippi and Orleans, to the District Attorneys of Kentucky, Tennessee and Louisiana to have Burr "strictly watched and on his committing any overt act unequivocally, to have him arrested and tried for treason, misdemeanor, or whatever other offence the Act may amount to." As for *Wilkinson*, however, similarly accused with Burr, "consideration adjourned." [19]

Two days later the Cabinet met again, ordered Preble and Decatur to proceed to New Orleans to take command of a naval force to prevent any outbreak there, and sent John Graham as a special investigator into Kentucky "on Burr's trail, with discretionary powers to consult confidentially with the Governors, & to arrest Burr if he has made himself liable." [20]

The following day, however, the crisis seemed at an end; for the mail from the West had just come in and there was "a total silence" on Burr, which obviously proved "he is committing no overt act against law." Therefore, all former actions were countermanded except those relating to Graham's mission.[21]

Thus matters rested until Wilkinson's fatal communications appeared with the force of a bomb in Washington. Nevertheless, Jefferson had during this interim period been fully convinced of Burr's guilt. He told his son-in-law, Randolph, that "Burr is unquestionably very actively engaged in the Westward in preparations to sever that from this part of the Union. . . . We give him all the attention our situation admits: as yet we have no legal proof of any overt act which the law can lay hold of." [22]

Almost simultaneously came the explosive news from Wilkinson and letters from Governor Claiborne, whose knowledge was purely second-hand and based on Wilkinson's horrendous disclosures.[23]

Again Jefferson convened his Cabinet. He now had what he thought was the proof for which he had been waiting. A public proclamation was decided on against the alleged treasonable plot, and was accordingly issued. In the proclamation Jefferson warned all who had joined Burr's schemes without knowledge of their true content to withdraw, commanded all others to cease and desist from their activities, and alerted both civil and military authorities to arrest the participants.[24] Curiously enough, the

public proclamation was addressed only to Burr's filibuster against the Spaniards; not a word was breathed of the alleged treasonable attempt to destroy the Union. Yet every one knew exactly what lay behind the phrase in the proclamation concerning "criminal enterprises," and from now on Burr was a marked man among those who would have seen no harm in any expedition against the Spaniard.

In December, Congress convened, and Jefferson sent his Annual Message on the state of the Union. He spoke first of the foreign scene. No major problem had been satisfactorily settled during the year. He hoped, however, that before the session was over favorable news would come from England. As for Spain, matters were unchanged, though Wilkinson had proposed the Sabine River as a temporary line of separation between the opposing troops. He mentioned briefly Burr's expedition, without using his name, *as directed against Spanish territories* in contravention of law, and of the proclamation he had issued. (Again, not a word of any threat to the United States itself.) He called attention to the need for more adequate defenses for New Orleans and the necessity for additional gunboats. Though the Barbary States seemed generally peaceful, yet Tunis was uncertain, and he therefore recommended reinforcements for the Mediterranean fleet. He spoke feelingly of the success of the Lewis and Clark expedition (he always spelt it *Clarke*), and of that conducted by Lieutenant Pike, who had ascended to the source of the Mississippi. Freeman's Red River expedition, he admitted, had not been equally successful.

The year 1808, he continued in congratulatory vein, was approaching when Congress would have jurisdiction to prohibit the slave trade, and suggested that legislation looking to that event be now prepared. Another matter of congratulation was the impending extinguishment of the public debt, $23,000,000 of which had already been retired. He recommended the repeal of the salt tax, and the continuation of the Mediterranean fund for a short additional period. Even so, surpluses were adding up in the Treasury and the problem was what to do with them. He thought it unwise to abolish the imposts on foreign luxuries, which would give an advantage to foreign over domestic manufacturers. He would prefer, he said, to apply the surpluses to "public education, roads, rivers, canals, and such other objects of public improvements as it may be thought proper to add to the constitutional enumeration of federal powers." In other words, it would require a Constitutional amendment to make these objects the subject of federal expenditure and supervision. He ended with his usual arguments against a regular army and his belief in the efficacy of a proper militia system.[25]

The next day he sent a special message urging, in view of the pending negotiations with Great Britain, that the nonimportation act be suspended for a further period.[26]

The messages were calm in tone, skimming in their appraisal of events,

and were intended, as all Jefferson's messages, to assure the country that all was serene and that the government had the situation well in hand.

He thought that his message had proposed a national university to the attention of Congress (it had not, except perhaps in the most general terms) and he told his friend, Charles Wilson Peale, to whose Museum in Philadelphia he was constantly contributing fossils, bones, skins and live animals received from Lewis and Clark, that he hoped some day to make the Museum into a national establishment.[27]

In spite of his public optimism, privately he expected trouble with Spain, and with Burr; though he was certain that the proclamation on the latter had put an effectual quietus on any possibility that the people would join him.[28] He described Burr's objects confidentially as an attempt to "seise N. Orleans, from thence attack Mexico, place himself on the throne of Montezuma, add Louisiana to his empire, & the Western states from the Alleganey if he can. I do not believe," he added, "he will gain the crown; but neither am I certain the halter will get its due. A few days will let us see whether the Western states suppress themselves this insurrectionary enterprize, or we shall be obliged to make a great national armament for it." [29] The news of Burr's triumphant acquittals had not yet reached Washington.

But obviously Jefferson was ready for all eventualities. He drafted in his own hand a bill "authorizing the employment of the land or naval forces of the US. in cases of insurrection," and giving him power to use the regular army for internal disturbances. He also drafted another bill that would have permitted the arrest of any person on the "suspicion" that he intended to commit a misdemeanor against the United States and bind him over with sureties.

He sent the two bills to John Dawson with the request that "he will be so good as to copy the within & burn this original, as he is very unwilling to meddle personally with the details of the proceedings of the legislature." [30]Which poses a fine distinction, indeed!

The new Congress went to work on several of the recommendations in the Presidential Messages, notably the recommendations to extend the suspension of the nonintercourse act and prohibit the importation of slaves.

On December 4, 1806, John Randolph introduced a resolution for suspension in the House, where it was passed. Similar action was taken by the Senate, and the much suspended law was put over again until July 1, 1807.[31]

The bill to prohibit the slave trade had no difficulty in passing the Senate, but had rougher going in the House. Weakening amendments were attached to the Senate bill, to which that body refused to accede, particularly one which would have removed a clause prohibiting the transportation of slaves from one state to another. The House held firm, however; and a compromise was proposed which merely forbade the transportation

of slaves by coastwise vessels of under forty tons and for purposes of sale. But Randolph and others opposed even this; Randolph calling it a future pretext for emancipation. In his high, piercing voice he declaimed that "he had rather lose the bill, he had rather lose all the bills of the session, he had rather lose every bill passed since the establishment of the Government, than agree to the provision contained in this slave bill. It went to blow up the Constitution in ruins." His parting shot was prophetic: "If ever the time of disunion between the States should arrive, the line of severance would be between the slaveholding and the nonslaveholding States." [32]

In spite of his wild language, and the fierce denunciations of other Southerners, the compromise bill was finally adopted on February 26, 1807, by a vote of 63 to 49 in the House, and the Senate agreed. The importation of slaves into the United States was forbidden after January 1, 1808.

If Randolph's bitter-end struggle against the slavery bill was one of personal conviction, his next move was a deliberate attempt to embarrass Jefferson. On January 16, 1807, he slyly rose to discuss that part of the Annual Message which referred to an unauthorized military expedition against the Spaniard. It was a serious matter, he said gravely, *but*—the President had mentioned no names. He therefore called for all the information in Jefferson's possession relating to the expedition and an account of the measures he had taken to suppress it. Since the demand was logical, the House readily passed the resolution.[33]

The resolution, however, forced Jefferson's hand. He had never truly considered Burr's expedition as a serious threat to the United States, and he seemed aware of certain aspects of it unknown to the general public, and of which publicly he made no mention. He did unbosom himself, however, to Wilkinson. Practically the entire flotilla had been seized on the Ohio, he wrote; nor had even 500 persons ever been involved with Burr. And a part of them had joined as innocent settlers for a huge plot of land known as Bastrop's grant in Texas, while many more were engaged "under the express assurance that the projected enterprise was against Mexico, and secretly authorized by this government." [34]

In other words, Jefferson already knew the truth about Burr's expedition and its aims, and had never been taken in by the alarmist reports which he permitted publicly to circulate. For Burr had purchased the title deeds —though they later proved doubtful—to Bastrop's grant and was intending to settle it as part of his plans. He also hoped to strike at Mexico with Wilkinson's aid and the help of the West, and he *had* let it be known by sundry winks and significant nods that the administration was secretly in back of the expedition.

Randolph's resolution, therefore, forced Jefferson into a masterpiece of evasions and double-talk when, in obedience to the call, he laid his *facts*

before the House. He admitted the largest part of his information came in the form of letters, "often containing such a mixture of rumors, conjectures, and suspicions, as render it difficult to sift out the real facts, and unadvisable to hazard more than general outlines. . . ." Therefore he refused to give up any names of participants in the conspiracy except that of the chief actor—Aaron Burr. His delicacy was doubtless motivated by the consideration that had he yielded all the names, they would have included such men as Senators Breckinridge and Smith, General Andrew Jackson and Governor William Henry Harrison, as well as Wilkinson himself, with explosive personal and political connotations.

Against Burr, however, he now for the first time publicly connected a plot against the West with the expedition against Mexico, and dismissed the settlement of the Bastrop grant as a mere blind. He admitted, though, that the plot against the West had been dropped as soon as Burr saw that the fidelity of its people was not to be shaken, and that thereafter his plans envisaged a seizure of New Orleans, a plundering of its bank and naval and military stores, and an assault on Mexico.[35]

He gently pooh-poohed Wilkinson's belief that Burr had an army of 6,000 to 7,000 men with him, telling that fiery general that all that Burr's flotilla consisted of as it went down the Mississippi were 10 boats, 80 to 100 men and 60 oarsmen, "not all of his party."

In the meantime, Wilkinson had instituted a reign of terror in New Orleans, had summarily seized several of Burr's alleged emissaries—including young Swartwout and Erich Bollman, who had helped Lafayette escape from an Austrian prison—and shipped them to Washington without so much as a court order. He had also declared what was tantamount to martial law, was overriding the civil authorities, and ranting about how he would die sword in hand defending the city against the savage hordes whose attack he momentarily expected.

Jefferson cautiously approved of some of the proceedings, but expressed the hope that Wilkinson would not "extend this deportation to persons against whom there is only suspicion, or shades of offence not strongly marked. In that case, I fear the public sentiment would desert you." [36]

Wilkinson paid no attention to these gentle admonitions. He managed to frighten Claiborne into almost abject acquiescence in the illegal measures he was taking, but the people of the city itself refused to take fire. Indeed, they resented vehemently the doughty general and his abrogation of every legal procedure. Habeas corpus writs were granted for some of Wilkinson's victims—Bollman, Swartwout, Peter V. Ogden and a lawyer named James Alexander, whose only offense seems to have been that he had appeared for the other men. The writs were too late to save Bollman and Swartwout; the other pair were freed by the court, but promptly rearrested and hustled on board ship for Washington before the startled judges could act again.

Meanwhile Burr and his little flotilla, all unknowing of the terrific

hullaballoo raging ahead, were dropping peacefully down the Mississippi. They passed Fort Massac and dined in friendly fashion with its commander, though an order for their arrest was on its way to the fort. They dropped anchor on January 11th at Bayou Pierre where, to Burr's utter bewilderment, he was confronted by a band of militia. A comic-opera series of negotiations followed; the thousands of armed men in warships turned out to be some 55 men and boys, a few women, children and servants, the boats mere flatboats, and the vast armament consisted of the usual muskets and rifles that were essential baggage in any trip on western waters.

The net result of the extended negotiations, which took on all the portentousness of two sovereign powers engaged in diplomacy, was that Burr agreed to surrender himself to the civil authorities and stand trial for his alleged misdeeds.

While Wilkinson, fuming that his erstwhile friend had thus escaped his tender mercies, offered $5,000 for Burr's kidnapping to his own jurisdiction, a Grand Jury in Mississippi Territory refused to present an indictment against Burr. But the latter, though free, justly feared the illegal efforts directed against him, and decided on flight. In disguise he rode into the wilderness, was recognized by a backwoods lawyer as he sought directions in Washington County, and was seized by a contingent of soldiers from Fort Stoddard. On March 6, 1807, an armed detachment started out overland with their distinguished prisoner; on March 26th, they arrived in Richmond, and Burr was placed in jail to await his fate.

On March 3, 1807, in the evening, a copy of the long awaited treaty which Monroe and Pinkney had negotiated with Great Britain came into Jefferson's hands in Washington. It was even worse than he had feared.

Already adumbrations had come from the ministers in London that the treaty they were fashioning would not prove satisfactory. For all their congratulatory tone, there was a somewhat apologetic air about their letters. To one such in particular—sent before the treaty had actually been put into final form—Madison answered with considerable asperity. Their communication was disappointing to the President, he declared. Jefferson had decided that "it does not comport with his views of the national sentiment or the legislative policy, that any treaty should be entered into with the British Government which, whilst on every other point it is either limited to or short of strict right, would include no article providing for a case which, both in principle and in practice, is so feelingly connected with the honor and the sovereignty of the nation, as well as with its firm interests, and indeed with the peace of both nations." The case referred to was naturally the matter of impressment, which seemingly had been wholly omitted from the proposed written document. If no clear stipulations on impressment could be obtained, Madison continued, "the negotiation should be made to terminate without any formal pact whatever, but with

a mutual understanding, founded on friendly and liberal discussions and explanations, that in practice each party will entirely conform to what may be thus informally settled." And they could assure the British that as long as the *practice* was faithfully respected, Jefferson would recommend to Congress to keep the nonimportation act in suspension.[37]

But long before this strict command not to enter into any treaty which did not in plain terms abolish the practice of impressment reached England, the treaty had been signed and was on its way to the United States with a long, explanatory and apologetic letter from the ministers. They were sorry, they wrote, "that this treaty contains no provision against the impressment of our seamen," though they hastened to add that they expected the practice would be "essentially, if not completely abandoned." They also regretted that "no provision has been made by the treaty to indemnify our citizens for their losses by the late seizures, and other violations of the law of nations." Nor could they speak with enthusiasm of the actual clauses embodied in the treaty.[38]

It might then be asked—and both Jefferson and Madison were to ask it with considerable heat—why they had found it necessary to put their signatures to such a treaty at all. If the Jay Treaty, negotiated under much more inauspicious circumstances, had been so roundly denounced by the Republicans, why should their representatives, when no threat of war impended and without even the *quid pro quo* of the western posts that Jay had received, now enter into an arrangement which gave them considerably less?

In later years Monroe defended himself on the ground that the failure of all negotiations with Spain had had an unfavorable effect on his business in England, and that he had thought it wiser "to get out of the general scrape on the best terms we could," and accept private assurances even though not embodied in formal terms. He also admitted that he had felt slighted by Jefferson and Madison because they failed to reply to his letters for an unusual period of time and, though he does not say so, he may well have wanted to wind up affairs and get back to the United States in time for the impending presidential campaign.[39]

The formal document arrived on March 15th, though an unofficial copy had come into Jefferson's hands on March 3rd. His dismay and wrath were boundless, and he expressed both in unmeasured terms to Dr. Mitchill and John Quincy Adams. He was determined, he told the two members of Congress, to send the official document back the moment it arrived, without bothering to submit it to the Senate. But Madison thought it was not as bad as he had feared, and that it ought to be submitted. So did Robert Smith of the Navy.[40]

Samuel Smith likewise thought that Jefferson, sick and distraught, was taking a heavy responsibility on himself in not letting the Senate have the consideration of the document. After all, he said, the Senate had

unanimously advised the President to negotiate a treaty, and everyone knew that he had been coerced by that advice into the attempt. By thus summarily sending the treaty back, he was disgracing his own appointees —and Monroe was his friend. The two ministers must, for their own justification, publish the terms, and Smith thought that the people would like them. "The people," he added significantly, "care little or nothing about the seamen." [41]

But, in spite of this heavy pressure from his Cabinet and fellow Republicans, Jefferson for the moment stuck to his guns. Even on the preliminary sketch of terms which Monroe had cautiously sent him, he had informed Madison that he thought the nation would rather go without a treaty than one which failed to settle the matter of impressments definitively. He thought then, however, that perhaps he ought to take the advice of the Senate on the matter.[42]

The more he considered it, the angrier he became. He set down on paper a careful analysis of the provisions, and asserted that, in effect, Monroe's treaty was a worse document than Jay's had been over a decade before.[43] He listed the *essential* alterations that would have to be made before he would consider it: A provision against impressment; the removal of all limitations on our trade between the West Indies and Europe, particularly the insulting provision that voyages between those two termini must first be broken in an American port, and American customs duties paid; a reservation of our claims to indemnification for prior unlawful seizures; and a withdrawal or modification of the rider which made the treaty contingent on our refusal to honor the Berlin Decree of Napoleon.[44]

Most of these alterations he had already managed to get his Cabinet to agree to, even though its members still wished the treaty as a whole to be submitted to the Senate.[45]

For once, Jefferson had taken the bit in his teeth and was refusing to listen to the advice of his closest personal and political friends. And this in spite of the fact, as Samuel Smith had pointed out, that Republicans generally were not too much disturbed over the impressments, arguing that it was essentially a New England and therefore Federalist matter.

He wrote a strong letter to Monroe demanding that he resume negotiations and obtain modifications. "Depend on it, my dear Sir," he warned, "that it will be considered as a hard treaty when it is known. The British commisrs. appear to have screwed every article as far as it would bear, to have taken everything, & yielded nothing." If nothing better could be obtained, then let Monroe back out of the negotiation.

Then, as a placatory measure, and perhaps to get Monroe out of the way in favor of Madison, he once more offered him the governorship of Orleans, claiming it to be "the 2nd. office in the US in importance." [46]

Jefferson's fierce intransigence—so contradictory of his usual caution and willingness to compromise—might perhaps be attributed to certain

personal preoccupations at this time. For one thing, he was secretly exacerbated with Monroe because of John Randolph's open advocacy of his candidacy against Madison in the next election, and he probably believed that Monroe was a party to the machinations of his friends.

For another, his son-in-law, Thomas Mann Randolph, now a member of Congress from Virginia, had been quarreling with his other son-in-law, John W. Eppes, similarly in Congress, and had expressed a jealousy over what he thought was Jefferson's preference for Eppes. For a man as closely bound by family ties as Jefferson, this was a grievous accusation. With a heavy heart he sought to reply to the complaint.

> Your letter received this morning [he wrote Randolph] has given me a pang under which I am overwhelmed. I take up my pen to express some of my thoughts, but thousands will remain which are inexpressible. I had for some days percieved in you a gloom which gave me uneasiness. I knew there was a difference between mr Eppes & yourself, but had no idea it was as deep seated as your letter shows it to be. I never knew the cause, nor ever wished to know it. My affections for you both were warm, as well for your respective merits, as for the sake of the dear objects which formed a link between us. I hoped that neither would expect me to take a part between you, or to participate in your feelings towards each other. What acts of mine can have induced you to suppose that I felt or manifested a preference of him, I cannot conceive.

The tone of the whole letter, indeed, was pleading and pathetically eloquent, avowing an affection for Randolph that was as great as for any man on earth.[47]

Randolph's reply cleared up the misunderstanding. The son-in-law had heard that talebearers had brought to Jefferson a report that he, Randolph, had joined with the Federalists in Congress in censuring Jefferson's public conduct, and he had thought he saw in Jefferson's reactions a definite resentment as a result of it. This Jefferson now vehemently denied.[48]

Thomas Mann Randolph was physically ill at this time, suffering from a fever that prostrated him for a considerable period and from which his convalescence was slow and tedious.[49] But his physical ailments did not tell the whole story. He had always been a sensitive, morbidly brooding individual. In spite of the fact that he was considered one of the best scientific farmers in Virginia, he had not made a financial success and had been on many occasions dependent on the bounty of his father-in-law. Even his political career now in Congress and later as Governor of Virginia turned to dust and ashes in his mouth. A deep-seated gloom and a naturally suspicious nature—of which this incident seemed the first public manifestation—lacerated him in increasing measure until, toward the end of his career, they took outward shape in violent eccentricities and an increasing hatred of both Jefferson and his own wife, Martha, that were to end in tragedy for all concerned.

Monroe refused to be kicked upstairs into obscurity, stubbornly maintaining that he had agreed to the best treaty obtainable under the circumstances. And affairs in England took a sudden turn. Toward the end of March the Whig ministry was turned out of office, and the Tories, even more extreme in their views on the United States, entered office.

Meanwhile Congress, about to adjourn, sent a committee to Jefferson to inquire whether the Senate should remain in session to consider the treaty. "Certainly not," replied Jefferson with considerable passion. "The only way," he added, "he could account for our ministers having signed such a treaty under such circumstances was by supposing that in the first panic of the French imperial decree they had supposed a war to be inevitable, and that America must make common cause with England. He should, however, continue amicable relations with England, and continue the suspension of the Non-importation Act." [50] Jefferson had his dates slightly mixed; for the Berlin Decree did not become known until *after* all the terms of the British treaty had been fixed.

When he heard of the change in the British government, Jefferson expressed satisfaction in the hope that the shift would now rid him of the embarrassment of the treaty.[51] His Cabinet, however, did not see eye to eye with him on his inflexible stand. Madison proposed that in exchange for a definite prohibition on impressments, we should offer England to give up all British sailors on American ships who had not been in our employ for two years prior to the ratifications. Gallatin, who estimated that there were 5,000 British sailors who came under the terms of the offer, was nevertheless willing to comply, provided the impressment issue was definitely settled, and other modifications on trade adopted.[52]

This estimate by Gallatin poses an extremely interesting sidelight on the entire controversy. It presents another view of the controversy more favorable to the British than the customary one. England, engaged in a mighty struggle with Napoleon for survival, found her fleet, the sole bulwark of her security, constantly depleted by deserters and mere refugees from her seafaring population who preferred the safety, better wages and working conditions of the American ships to the dreadful life and dangers of the British navy. It was therefore a matter of vital self-preservation for her to attempt to regain them by every means possible.

Madison was impressed by Gallatin's estimate, and drew back a little. He now sought to keep as many British seamen in our service as he could, and Gallatin agreed. Dearborn and Smith, however, were reluctant to make the retention of British subjects a part of the bargaining.[53]

Jefferson was even more impressed than Madison by Gallatin's disclosure. If, in exchange for the abolition of impressments, he would have to give up all British seamen in the American carrying trade, he might well cripple the very thing over which the entire controversy turned. He therefore advised Madison that "Mr. Gallatin's estimate of the number of foreign seamen in our employ renders it prudent, I think, to suspend all

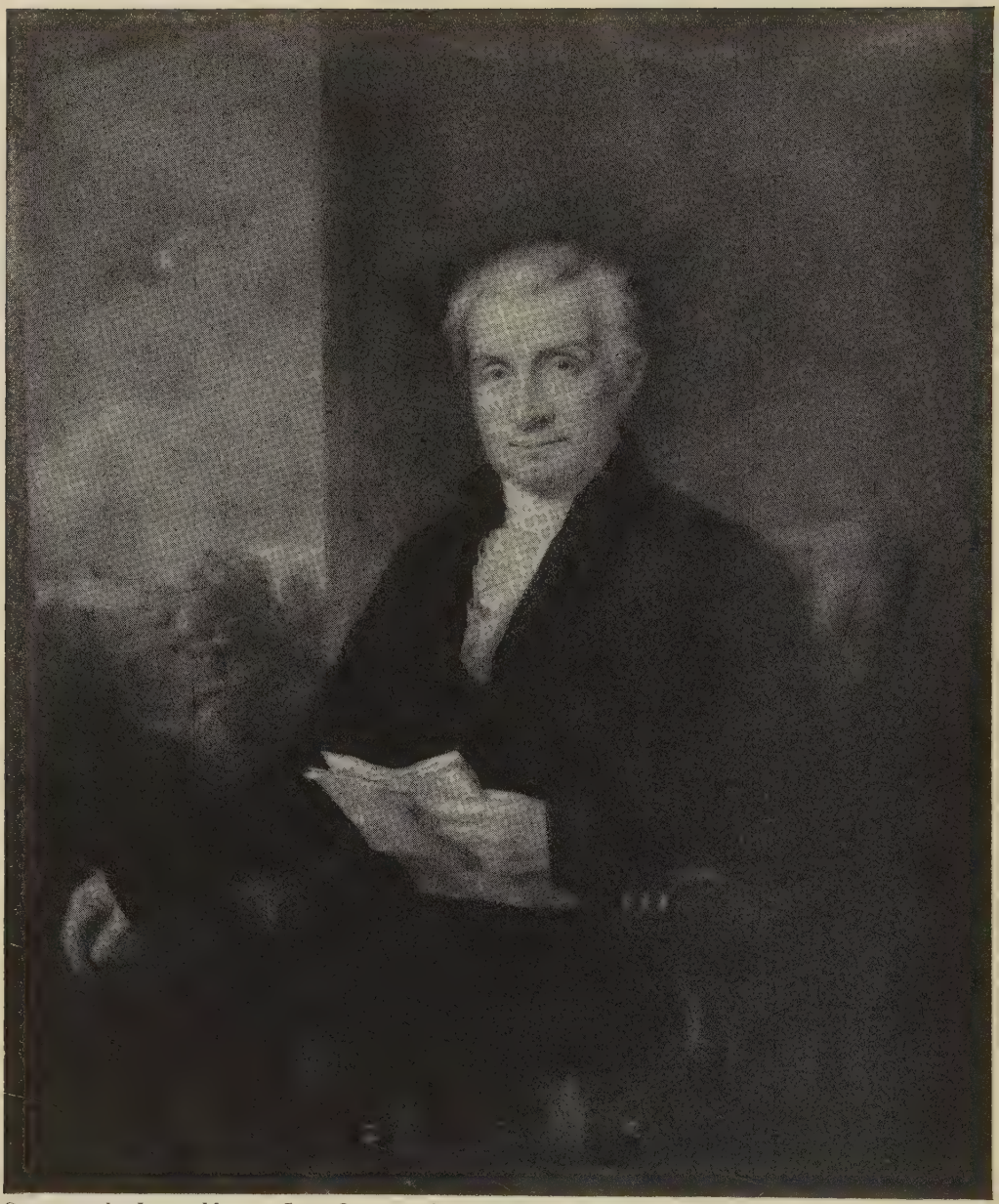
propositions respecting our non-emploiment of them. . . . I am more & more convinced that our best course is, to let the negociation take a friendly nap, & endeavor in the meantime to practice on such of its principles as are mutually acceptable." [54]

There the matter rested until May 20th, when Madison informed the two ministers that Jefferson was "constrained to decline any arrangement, formal or informal, which does not comprise a provision against impressments from American vessels on the high seas, and which would, notwithstanding, be proper to adopt for controlling that species of aggression." To this he added such other changes as both he and Monroe knew the British would never consent to.[55]

Courtesy the Burton Harrison Randall Collection

MARTHA JEFFERSON

Painting by Thomas Sully



Courtesy the James Monroe Law Office and Museum, Fredericksburg, Va.

JAMES MONROE

Painting by Rembrandt Peale

CHAPTER 60

The *Chesapeake* Outrage

AS though the headaches, physical and mental, which Jefferson suffered as a result of Monroe's ill-advised treaty were not sufficient, news came to Washington of an outrage committed by a British warship on the very doorstep of the United States that, under normal circumstances and in any other hands but Jefferson's, would have touched off an immediate war with Great Britain.

A British squadron had been lying in wait within the Capes of Chesapeake Bay for a French squadron that had taken refuge at Annapolis. On March 7, 1807, a boat's crew of the British sloop *Halifax* landed in Norfolk, claiming asylum as deserters. The indignant captain, receiving information that the deserters, together with three British sailors from the *Melampus*, had enlisted on the American frigate, *Chesapeake*, demanded redress. But Robert Smith, after inquiries, informed the complainant that the *Melampus* men were in fact American citizens who had been previously impressed by the British, and refused to give them up. He said nothing about the *Halifax* deserters.

The British admiral thereupon issued orders on June 1st that in the event any of his ships met up with the *Chesapeake* on the high seas, she was to be boarded and searched. He made no mention of what was to be done if the American warship refused to submit to search.

The *Chesapeake* was at the time being outfitted in the Washington naval yard and at Hampton Roads for service in the Mediterranean. On the morning of June 22nd, with Captain James Barron on board as commodore and Charles Gordon as captain, the American frigate stood out to sea. She carried an armament of twenty-eight eighteen-pounders and twelve thirty-two-pound carronades, but she was still in a state of unpreparedness. As the ship sailed down the Roads, she passed the British fleet and saw the *Leopard*, a frigate of the same class as herself, suddenly hoist sails and stand out to sea.

Wholly unsuspecting, the American warship continued on her way. In midafternoon, when both ships were outside the territorial limits of the United States, the *Leopard* hailed the *Chesapeake* and megaphoned that she had dispatches for Barron. A boat came over, but Barron refused to allow the crew on board, though he was handed the order from the British admiral demanding the right to search for deserters. Only *then*, as the boat sheered off, did Barron become suspicious and give orders to prepare his ship for action.

But it was too late. The *Leopard*, under Captain S. P. Humphries, had maneuvered to a favorable windward position, and promptly hailed the *Chesapeake*. Then, without further warning, she fired two shots across the bow of the American ship. Two minutes later, while the American crew was desperately trying to man the guns and break out ammunition, the *Leopard's* full broadside was poured point-blank into the hapless vessel from a distance of 150 to 200 feet. For fifteen minutes more she blasted the wallowing American, with but a single countering shot. With three of his crew dead, and eighteen more, including himself, wounded, with his masts and rigging in a shambles, Barron ordered the *Chesapeake's* flag to be struck. The British boarded, searched the vessel and took off the three impressed Americans who had deserted from the *Melampus*, as well as a deserter from the *Halifax*.

The *Leopard* then sheered off, and the crippled American limped back to Norfolk in humiliation and disgrace. Barron was later court-martialed for his share in the action, but was acquitted of all charges except the single one that he had failed to prepare for action swiftly enough. For this he was suspended from service for five years.

The news of the outrage shocked the United States as it had never been shocked before. For the first time since the Revolution the nation was wholly united. A mob ran riot in the streets of Norfolk, attacking British sailors on shore and clamoring for war. The town officials decreed an embargo against the British fleet that had been accustomed to land its men and purchase stores. New York held a tumultuous protest meeting, and even Boston, the seat and fount of Federalism, followed suit; though it was to be noted that the members of the Essex Junto were discreetly absent.

Jefferson, on receipt of the news, promptly called his Cabinet into session. Most of its members had already scattered for the summer, and it was not until July 2nd that it could be convened. Jefferson read to his Cabinet a Proclamation he had in readiness, and it was adopted without any parley.

The Proclamation discoursed at length on the prior wanton disregard for our laws, our citizens and our property which England had displayed. Our repeated representations had gone unheeded, nor had a single offense been punished. The *Chesapeake* outrage, "transcending all we have suffered, brings the public sensibility to a serious crisis, and forbearance to a necessary pause."

Therefore, Jefferson proclaimed that all armed vessels of Great Britain in the harbors or waters of the United States were commanded to depart at once, and any further entrance interdicted. Should they fail to do so, then all Americans were forbidden intercourse with or the furnishing of supplies to them; and all who failed to heed the interdict—Americans or English—were to be placed under arrest.[1]

This was as far as Jefferson felt he could go without further powers from Congress, then not in session. "It is our duty," he declared, "not to commit [Congress] by doing anything which would have to be retracted. We may, however, exercise the powers entrusted to us for preventing future insults within our harbors, & claim firmly satisfaction for the past." [2]

He further explained the principles that motivated him in this emergency in a letter to Vice-President Clinton. "1. That the usage of nations requires that we shall give the offender an opportunity of making reparation & avoiding war. 2. That we should give time to our merchants to get in their property & vessels & our seamen now afloat. And 3. That the power of declaring war being with the Legislature, the executive should do nothing, necessarily committing them to decide for war in preference of non-intercourse, which will be preferred by a great many." [3]

It is obvious from this last provision where Jefferson's own preference lay. He did *not* want war, and he thought this was a splendid opportunity to prove the effectiveness of that nonintercourse to which he had been steadfastly loyal since the earliest days of the Republic as a means for bringing recalcitrant nations to their knees. Nor did he take any steps to convene Congress, who alone had the power of declaring war.

The nation, however, was not as restrained as Jefferson seemed to think. Even his own Republicans thought his Proclamation a tame affair, and John Randolph openly declared it to be a mere apology to England for the *Chesapeake* not having submitted to search. Joseph Nicholson, an Old Guard Republican, told Gallatin that "but one feeling pervades the nation; all distinctions of Federalism and Democracy are vanished. The people are ready to submit to any deprivation; and if we withdraw ourselves within our own shell, and turn loose some thousands of privateers, we shall obtain in a little time an absolute renunciation of the right of search for the purposes of impressment. A parley will prove fatal; for the merchants will begin to calculate. They rule us, and we should take them before their resentment is superseded by considerations of profit and loss. I trust in God the 'Revenge' is going out to bring Monroe and Pinkney home." [4]

Nicholson was correct in his estimate of the temper of the people. Had war come over the *Chesapeake* instead of years later during Madison's administration for less obvious causes, there would have been a unity and an enthusiasm behind it that did not then exist, and the whole course of that war would have been considerably different from the actuality.

Even Gallatin, who opposed all war as a setback to his beloved Treasury, was this time compelled to admit that "with you, I believe that war is inevitable." [5] Jefferson, however, thought otherwise.

Only a month before, Jefferson had expressed himself as being merely one member of the Cabinet, and that the government of the United States was in fact a Directory. In a hitherto unpublished letter to Short, he set down his views on the matter:

Our government, altho', in theory, subject to be directed by the unadvised will of the President, is, and from its origin has been, a very different thing in practice. . . . All matters of importance or difficulty are submitted to all the heads of departments comprising the cabinet; sometimes by the President's consulting them separately & successively as they happen to call on him; but in the gravest cases by calling them together, discussing the subject maturely, and finally taking the vote, on which the President counts himself but as one: so that in all important cases the Executive is, in fact, a Directory, which certainly the President might controul, but of this there was never an example either in the first or the present administration. I have heard indeed that my predecessor sometimes decided things against his council by dashing & trampling his wig on the floor.[6]

At the same meeting of the Cabinet which approved Jefferson's Proclamation, it was determined to recall the Mediterranean fleet to home waters, and to send the *Revenge* with dispatches to England to demand satisfaction for the attack on the *Chesapeake*, including a complete disavowal both of the attack itself and of the principle of searching public armed vessels, a restoration of the seized sailors, and a recall of Admiral Barclay, on whose orders the outrage had been based. It was also determined to send an account of the incident to the Czar of Russia, doubtless to engage his interest and intervention.[7] Three days later, the Cabinet approved a call on the State Governors for 100,000 militia; those on the seacoast to be "ready for any emergency, and for those in the North we may look to a winter expedn against Canada." [8] By July 26th, they were preparing defenses for Norfolk, under threat from the British fleet, and readying an attack on "Upper Canada & the upper part of Lower Canada, as far as the mouth of Richlieu [*sic*] river," and furnishing a complete schedule of plans for defense and offense.[9]

Certainly the Cabinet was ready for war, had Jefferson only given the signal.

Meanwhile, the British fleet was furnishing the American people with new fuel for indignation and warlike fervor. Instead of meekly obeying the President's Proclamation of interdict and withdrawing from American waters, it adopted instead a most arrogant and menacing attitude. It demanded as of right the privilege of landing its parties at Norfolk and of obtaining water and supplies, and it placed what was in effect an actual blockade against the beleaguered port.

So menacing was the British mien, in fact, that Governor William H. Cabell sought to mobilize his militia and sent anguished calls for help to the national government. Jefferson himself admitted that the British had "their foot on the threshold of war," and that "blows may be hourly possible." He therefore dispatched an urgent message to Dearborn, the Secretary of War, to return posthaste to Washington from New York, where he had gone to supervise the defense of that city.[10]

The President even sent a comic-opera spy down to the menaced coast to report on the movements of the British squadron—one William Tatham, an old Virginia neighbor who had supported him only recently with affidavits concerning his ill-fated last days in the Virginia governorship. Tatham bombarded Jefferson from Lynnhaven with a most astounding series of daily expresses. He was sending fishing and whaling boats out to sea to reconnoiter the British, he avowed, and his dispatches, in the best spy-thriller style, were compounded of reports, rumors, facts, alarms and hideous forebodings inextricably mixed together.[11]

In spite of these warlike preparations, Jefferson still sought a *modus vivendi*. If the British warships would give "assurance of immediate departure from our waters," he wrote the Governor of Virginia, "they may have the supplies necessary to carry them to Halifax or the West Indies." He explained this seeming retreat from the uncompromising tone of his Proclamation. "Their retirement would prevent the necessity of a resort to force, and give us time to get in our ships, our property, and our seamen, now under the grasp of our adversary; probably not less than 20,000 of the latter are now exposed on the ocean, whose loss would cripple us in the outset more than the loss of several battles." [12] Actually, Jefferson was playing for time. He was a firm believer in delay. Most matters, he had discovered in the past, were solvable by the mere lapse of time, and he hoped that some measure of satisfaction would eventually be received from the British Ministry and thereby avoid the necessity for a shooting war.[13]

His Republican stalwarts, however, viewed the proceedings with mixed feelings. Joseph H. Nicholson, for example, breathed a warlike ardor. Forbearance, he declared, would be degrading. "The Ministry may probably, and I think will, disavow the late act of their officer; but there are insults and injuries for which neither an individual nor a nation can accept an apology.... If Tarquin had begged pardon of Collatinus for ravishing his wife, I think it would not have been granted." [14]

On the other hand, Nathaniel Macon thought that "peace is everything to us," especially in Virginia where the crops were bad, and the planters had been compelled to go into debt. "If the Executive shall put a satisfactory end to the fracas with Great Britain, it will add as much to his reputation as the purchase of Louisiana." [15]

But the Virginia militia was untroubled by qualms. A party from the British ships had come on shore for supplies in defiance of presidential proclamation and congressional enactment. The lusty militia swarmed on them and took them prisoner, thereby adding still another headache to a worried Governor and a harassed President. The Governor, however, was able to dump the problem into the lap of the President. Jefferson replied cautiously that "the relations in which we stand with the British naval force within our waters is so new, that differences of opinion are not to be wondered at respecting the captives, who are the subject of your letter." While he considered them truly as prisoners of war, he nevertheless thought

it best to let them go; even though both law and proclamation had rendered their seizure and imprisonment lawful. "Whether we shall do this a second, a third, or a fourth time," he ended lamely, "must still depend on circumstances." [16]

Jefferson himself privately admitted that a voluntary embargo was already in existence, and that American merchants were holding their ships in port, while the insurance companies had stopped their business. He therefore took the last opportunity of a naval vessel setting out to sea to ask the American consul at Leghorn to send him 300 bottles of Montepulciano wine and fifty pounds of "maccaroni." [17] He also admitted, even more privately, that while "my opinion is that we ought never to suffer another armed vessel of any nation to enter our waters," and while he was preparing for war, "I suppose our fate will depend on the successes or reverses of Buonaparte. It is hard," he added wistfully, "to be obliged to wish successes so little consonant with our principles." [18]

With American shipping idle, with memorials and offers of service in war pouring in by every mail from Republican and Federalist alike, Jefferson urged on James Bowdoin, Minister to Spain, that he seek "cordial friendship with France, & peace at least with Spain." The United States, he added, "has never been in such a state of excitement since the battle of Lexington." [19]

Then news came that somewhat eased the mounting tension. The blockading British had retired from Hampton Roads, though Jefferson did not know whether they would be back or not. Nevertheless he seized the opportunity to mobilize his force of sixteen gunboats, while awaiting Captain Decatur's arrival to determine whether "we shall authorize them to use actual force against the British vessels." [20] He still pinned all his faith on the invincibility of these unwieldy monsters.

He continued to blow hot and cold, but always with a single purpose in mind—to unite the nation behind him and, at the same time, delay and delay until the British could be heard from. Though the pressure was heavy on him for an immediate call of Congress into special session,[21] he steadfastly refused to issue the summons, stating as his ostensible reason that he did not want to give "too quick an alarm to the adversary." Yet, in the next breath, he declared that the British "have often enough, God knows, given us cause of war before; but it has been on points which would not have united the nation. But now they have touched a chord which vibrates in every heart. Now then is the time to settle the old and the new." [22]

And, in the very midst of a possible war with England which he sought every avenue to avoid, he was ready and willing to go to war with Spain —or, at least, so he tried to convey to them. For Spain had taken this particular crisis in American affairs to demand satisfaction for the negligence or connivance of the United States in permitting the Miranda expedition to be outfitted in American waters. As always, Jefferson reserved his most violent language and most menacing threats for the Spaniard.

"If anything Thrasonic & foolish from Spain could add to my contempt of that government," he told Madison indignantly, "it would be the demand of satisfaction now made." As soon as we can gather proofs of their western intrigues—by which he meant the Burr "conspiracy"—let us, if Congress approves, "in the same instant make reprisals on the Floridas, until satisfaction for that & the spoliations, and until a settlement of boundary. I had rather have war against Spain than not, if we go to war against England. Our southern defensive force can take the Floridas, volunteers for a Mexican army will flock to our standard, and rich pabulum will be offered to our privateers in the plunder of their commerce & coasts. Probably Cuba would add itself to our confederation." [23] But was not this exactly what Burr had attempted, and for which he was now on trial for his life in Richmond?

At the same time Jefferson considered carefully Robert Fulton's proposition for the use of torpedoes in defending harbors, though he did not agree with the enthusiastic inventor's claim that it was the *only* type of defense required. He was more interested, however, in what Fulton had failed to propose—the use of submarines for attaching the torpedoes to the bottoms of enemy ships. Would not Fulton look into this further? [24]

Years later, when we were actually at war with England and Madison was President, Jefferson still held to his belief that subaqueous guns, torpedoes and submarines might profitably be used to counterbalance the overwhelming surface force of the British.[25]

Thomas Paine also sent an invention to Jefferson—a model of a doubly armed gunboat, with two guns in the bow instead of one. This was even closer to the President's heart than torpedoes or submarines. "Believing, myself," he wrote back, "that gunboats are the only *water* defence which can be useful to us, & protect us from the ruinous folly of a navy, I am pleased with everything which promises to improve them." [26]

Nothing was more calculated to excite Federalist ridicule than Jefferson's firm faith in the efficacy of gunboats over a navy. Even his old friend of the European years—John Trumbull—broke sharply with him on this issue. Trumbull published an attack on Jefferson's theory in a newspaper which, he later confided to his Autobiography, was able "to dissolve that illusion, and to show his admirers, that however great Mr. Jefferson's philosophical and political reputation might be, he was, in the year 1807, no more qualified to lead in naval defense, than he was in warfare on land, in 1781, when, as governor of Virginia, his conduct demonstrated that he possessed no military talents." [27]

In the midst of these alarums and heavy clouds of war, the navy vessel *Revenge* was sailing slowly for England bearing instructions from Madison to Monroe. "This enormity," wrote Madison firmly, "is not a subject for discussion." Monroe must *demand* satisfaction from the British government. "A formal disavowal of the deed, and restoration of the four seamen

to the ship from which they were taken, are things of course, and indispensable. As a security for the future, an entire abolition of impressments from vessels under the flag of the United States, if not already arranged, is also to make an indispensable part of the satisfaction." [28]

Monroe viewed these peremptory instructions with dismay. He was already sufficiently resentful over the treatment which he deemed Madison and Jefferson had meted out to him, even though Jefferson had painfully sought to placate him with assurances that he intended to preserve a strict neutrality in the competition of Monroe and Madison for the Presidency.[29] This was somewhat disingenuous. Jefferson was *not* neutral; he was doing his best behind the scenes for Madison; and was later to write Dupont that "there will be no question who is to be my successor. Of this be assured, whatever may be said by newspapers & private correspondencies." [30]

Monroe was not taken in by the pretense, having been well briefed by John Randolph and others. He commenced the draft of a reply to Jefferson which, after much erasings and interlineations, he decided it would be wiser not to send. "At no period of my life," he said bitterly, "was I ever subjected to more inquietude than I have suffered since my return from Spain. I have found myself plac'd in a situation thro' the whole of this interval altogether unexpected & in consideration of the parties to it equally novel." He documented his grievances. He had wished to resign and sail home, but all his requests had met with a blank silence. No instructions had come to him to "mark my course" in the negotiations with England that had been forced upon him; and during this period of "perfect silence" the newspapers had teemed with reports that he was to be replaced. In fact, Pinkney had been foisted on him without warning.[31]

Now, when more than ever he wanted to go home to repair his political fences, this new negotiation, cluttered with impossible restrictions, was placed on his shoulders.

Yet he did his best. The new Foreign Minister of England, George Canning, was an able man. He saw at once the justice of the remark made by his own Minister to Washington that if he rendered a measure of satisfaction for the *Chesapeake* outrage, it would be impossible for Congress to go to war on the other questions in dispute, notably that of impressment.[32] Canning, in fact, had independently come to the same conclusion. Receiving the report of the incident from his own officers before Monroe knew about it, he dropped an oblique note to the latter hinting that something had happened for which, if proven authentic, he might be willing to offer adequate reparations.[33]

The bewildered American Minister first realized what Canning was alluding to when the *Revenge* delivered its packet of papers. He promptly sought out Canning and laid his instructions before him. But the Englishman interposed a masterly delay. He was sending, he told Monroe and Pinkney, a special envoy, William Rose, to Washington to adjust the *Chesapeake* affair. He admitted, however, that Rose would carry no in-

structions on the vital question of the search of *merchant* vessels and impressments from them.[34]

On being importuned by Monroe for a definite reply on that matter, he coldly retorted that "the nature of Mr. Monroe's instructions [coupling the impressment issue] has unfortunately precluded any settlement" of the *Chesapeake* affair, and that Rose would take it up separately.[35]

Thus completely by-passed, and seething with resentment at his treatment both in London and in Washington, Monroe threw up his commission and sailed for the United States on October 29th, leaving Pinkney in charge. Yet hardly had he quit the English shore when Canning sent an apology at least for the admiral's order that had originally authorized the outrage; though immediately nullifying its effect by issuing one of the most notorious of the British Orders in Council, dated November 11, 1807, which decreed that any American ship, no matter what its cargo, was liable to seizure if it sailed to any European port from which English ships were excluded, *unless* it first stopped at a British port and obtained a license.

In spite of his official distractions in this period of crisis, Jefferson did not forget his private affairs. He had ordered wines from Italy; he also ordered them from France; but he insisted on getting only the soft and silky type (by which he evidently meant a semisweet wine) and not those which were dry and hard. In a previous shipment he had received "artichoke bottoms, mustard de Mailly, vinaigre d'estragon, Maccaroni, Parmesan & Smyrna raisins."

All his French consignments came from Stephen Cathalan, whom he had met when in France. To him he unburdened himself: "My head is well silvered by eight grandchildren. I have one daughter only remaining alive. At the close of my present term I shall retire to their bosoms, & to the enjoiment of my farms and books, a felicity which the times in which my existence has happened to be placed, has never permitted me to know. I have one other great consolation that after 40. years of service to my country I retire poorer than when I entered it. Not that I have any thing to reproach them with. They have always allowed me as much as I thought I deserved myself. But I have believed it my duty to spend, for their credit, whatever they allowed me and something more. No servant ever retired better satisfied with his employers."[36]

He painted a far gloomier picture to his daughter than this serenely Spartan and bucolic view. He was deeply worried over the affairs of her husband, who was in considerable financial difficulties. He had hoped, he wrote Martha, that the perquisites of his Presidency would have enabled him to help Randolph, but "so far otherwise has it turned out that I have now the gloomy prospect of retiring from office loaded with serious debts, which will materially affect the tranquillity of my retirement." And then,

for Randolph's benefit, he read her a homily on the necessity for living within one's income! [37]

Before he departed to Monticello for the summer months, he sent directions to his overseer for work to be done on the plantation. The dam was to be finished and the mill repaired; fences were to be built and the fields cleaned up. He issued meticulous instructions for every phase of plantation activity: plant corn, oats and red clover. Cut wood, level the garden and attend to the hogs and sheep. Employ a gang of 17 hands on the farm and for repairs; and 10 hands in the nailery. Employ a smith for superintendence. Store the avails of the mill that had been paid in kind. Issue a good striped blanket every three years to the hands, and give them fish, pork and other products as their food rations. Do all planting horizontally (to prevent soil erosion) "in the manner that mr Randolph does his." [38]

His interest in architecture remained keen and unabated. He had commenced building operations for a second home at Poplar Forest in the form of a regular octagon, which struck his fancy as the most appropriate and graceful of any geometric form. He finally came to the same conclusion for Monticello where, however, he attached supporting wings and a central dome. He hoped to use Poplar Forest as a quiet retreat from the constant turmoil of Monticello, and worked on it at odd intervals. Though it was yet unfinished, he occupied it after quitting the Presidency. He watched the building operations of his friends with avidity, and his hands itched to plan their dwellings. Among some of the houses that he thus designed were the habitations of Madison, Monroe, John H. Cocke at Bremo, Randolph Harrison at Ampthill, his son-in-law and daughter at Edgehill, and others.

Washington was still under construction, and it would have been beyond Jefferson's power to avoid taking an intimate part in the building; though thereby he managed to exasperate and infuriate the professional architect, Benjamin Henry Latrobe.

He himself had appointed Latrobe as Superintendent of Buildings, but he interfered at every step of the proceedings. Their enthusiasms clashed. Latrobe was a Grecian, whereas Jefferson clung to the Roman adaptations, as evidenced by Nîmes, the Pantheon and the Palladian variations. Latrobe wished to place an ornate lantern over the new House of Representatives. Jefferson turned the idea down peremptorily. "You know my reverence for the Graecian & Roman style of architecture," he wrote Latrobe. "I do not recollect ever to have seen in their buildings a single instance of a lanthern, Cupola, or belfry." He considered these the degenerate inventions of the Italians for their churches. He wanted the central part of the Capitol to be done wholly in the style of the Pantheon, without "lantherns" or any such "modern" features.[39]

They clashed on other architectural fine points as well. Jefferson wanted the Corinthian order for the supporting columns, while Latrobe insisted on the simpler Doric. Jefferson demanded glass panels in the ceiling for

the light to enter, as he had seen in the Halle au Blé in Paris, and Latrobe would have none of them.

Latrobe replied with elaborate sarcasm: "I am very sensible of the honor you do me in discussing with me the merits of the detail of the public building. I know well that *to you* it is my duty to obey implicitly or to resign my office: to myself it is my duty to maintain myself in a situation in which I can provide for my family by all honorable means." Then he proceeded to dispute violently with Jefferson on the merits of his "lanthern" and in opposition to glass panels; pointing out that the times, the nature of their religion, and the climate were different from Greek and Roman days, and therefore buildings must be constructed on different principles.[40]

This was touching Jefferson on his tenderest and most sensitive spot. One might dispute with him calmly and equably on politics, religion, ethics, science and immortality; but *not* on architecture.

He seemingly never answered Latrobe, but he nursed his grievance. The following year he was careful, when transmitting Latrobe's report of work in progress to Congress, to dissociate himself from the excess of the actual cost over the funds officially appropriated. He denied even knowing about the discrepancy until the last moment.

But he wrote an admonitory letter to Latrobe. He intended, he said, to prevent the deficit of a single dollar hereafter. "It was so contrary to the principles of our Government, which make the representatives of the people the sole arbitors of the public expense, and do not permit any work to be forced on them on a larger scale than their judgment deems adapted to the circumstances of the Nation." [41]

It was not until passions had cooled and Jefferson had yielded his responsibility for the Capitol by retirement, that the two great architects were finally reconciled.

Jefferson spent the summer of 1807 as usual at Monticello, in spite of the war clouds that overshadowed relations with England and Spain, and in spite of the sensation of Burr's trial. Returning to Washington in October, he had an accident. While fording the Rapidan in his carriage, his horse Castor slipped and became entangled in the shafts. The water swept into the carriage and Castor almost drowned; but the servants jumped out and cut him loose just in time. Jefferson's funds were also swept away.[42]

As a compensation, however, he found that the war fever in Washington had abated considerably, just as he had expected it would. The members of Congress, come to attend the impending session, he reported, "are extremely disposed for peace: and as there is no doubt Gr. Br. will disavow the act of the Leopard, I am inclined to believe they will be more disposed to combat her practice of impressment by a non-importation law than by arms. I am at the same time not without all hope she may relinquish the pretension to impressment on our agreeing not to employ her

seamen, which it is our interest to agree to. If we resort to non-importation, it will end in war & give her the choice of the moment of declaring it." [43]

This was a curious position for Jefferson now to adopt. He had always insisted that nonimportation was the *only* way for bringing England to her knees and avoiding war. Was he, for the moment, hesitating between the alternatives of peace through a further suspension of the old Non-importation Act, and an outright declaration of war? His forthcoming Message to Congress seems to point in the direction of the second alternative, and Gallatin in fact thought of it as such. In any event, this was the first and last time that Jefferson evinced any uneasiness over his oft-repeated doctrine of nonimportation and embargo.

CHAPTER 61

Trial for Treason

AS though Jefferson did not have enough to bedevil him in his foreign relations, the treason trial of Aaron Burr ran like a scarlet thread through the entire year of 1807 and exacerbated his personal emotions to an extent that perhaps exceeded his preoccupation even with the *Chesapeake* affair and its ominous consequences. Just as Hamilton had been the bête noire of his earlier career, so Burr now became the lightning rod on whom he discharged his wrath and frustrations.

It is obvious that at no time had Jefferson considered the alleged "conspiracy," even as magnified by rumor, as a serious threat to the stability of the Union; while there is evidence that he knew more of Burr's real purposes with respect to Mexico and elsewhere than he later pretended. Nor was Burr any longer the political threat to his continued grasp of the Republican—or, as it was now gradually beginning to be called, the Democratic party—that he might have been in the first days of his administration. Nevertheless, Jefferson was determined to crush him and even, if one must judge only from his outer utterances, to hang him. What may well have intensified his current hatred of the man who had helped elect him President was the sudden interest that the Federalists showed in the case, and his fear that the old combination of Burr and New England might still give him serious trouble. And, as Chief Justice Marshall gradually became enmeshed in the proceedings, a new possibility rose to haunt him—that the judiciary he hated might emerge with more sweeping powers than before—powers that must bring the nation back to that monocratic form he saw lurking in every corner.

The true reason for the vindictiveness with which he pursued the fallen man may be found in his comment to Cabell: "This insurrection [Burr's] will probably show that the fault in our constitution is not that the Executive has too little power, but that the Judiciary either has too much, or holds it under too little responsibility." [1] What started out, indeed, as a personal contest between Jefferson and Burr shortly broadened into the more significant contest between Jefferson and the Judiciary, as exemplified in the person of John Marshall.

When he first heard that Burr was being carried a prisoner to Richmond, he gave vent to two inconsistent observations. In one he declared that "Burr has indeed made a most inglorious exhibition of his much overrated talents. He is now on his way to Richmond for trial." [2] The following day he wrote in different vein: "Burr is now on his way to Richmond for

trial. No man's history proves better the value of honesty. With that, what might he not have been!" [3]

But his first exultation at the arrest of Burr and his alleged conspirator friends soon passed. It was not enough to make arrests—and General Wilkinson had done so on a wholesale scale; the arrests must be made to stick with legal evidence that a punishable crime had been committed.

In the territories of Orleans and Mississippi, juries and judges had invariably dismissed proceedings against the Burrites whenever the matters were properly brought into court. It was only by highhanded and illegal methods that Wilkinson had whisked most of his victims out of the initial jurisdictions for condemnation up north.

But even within the range of the national government itself, difficulties appeared. Senator John Adair of Kentucky, for example, together with Peter V. Ogden, one of the messengers to Wilkinson, were incontinently freed by no less a respectable member of the Judiciary than Joseph H. Nicholson, whom Jefferson had recently elevated to the bench. Nicholson indeed apologized for his act, but, as he explained to Jefferson, "very much to my surprize and mortification, there was no Proof of any Nature whatsoever ... and I was under the Necessity of discharging the Prisoners." If Jefferson could furnish such proof, however, he would have them promptly re-arrested.[4]

Jefferson therefore determined that the requisite evidence of a crime must be uncovered. To accomplish this end he instituted what was perhaps one of the most amazing dragnets over the nation ever made by any President. He sought witnesses and affidavits from New Orleans to Maine, from Indiana to New Jersey, and constituted himself prosecutor-in-chief, overriding completely the regular machinery of government in dealing with criminal prosecutions. He even sought, through his Congressional lieutenant, William B. Giles, to obtain a suspension of habeas corpus in this particular case, to avoid the wholesale release of prisoners that seemingly impended. The Senate passed the suspension overwhelmingly in secret session, but when a similar procedure was adopted in the House, a reaction set in, the doors were opened to the public and, in a tumultuous debate led by Jefferson's own son-in-law, John W. Eppes, the measure was snowed under by a vote of 113 to 19.[5]

One of those arrested by the indefatigable Wilkinson was Dr. Justus Erich Bollman, the rescuer of Lafayette. Jefferson caused Bollman to be brought to Madison's office for an interrogation at which he also was present. Bollman was ready to talk, and the two high officers of state listened eagerly to his revelations; revelations which, they hoped, would be sufficient to send Burr to his death.

But, alas, for all Bollman's outpouring of words—which, at Jefferson's behest he later reduced to paper—there was no real evidence of treason. The whole conspiracy, it seemed, was directed against the Spaniard and Mexico, though there was mention of an intention to seize shipping in

New Orleans harbor to convey the filibustering force to Vera Cruz. As a matter of fact, Bollman vigorously denied that there was the slightest intent to revolutionize the western areas of the United States or to seize the funds in the banks of New Orleans, as had been charged.[6] All of which was most disappointing to his auditors. Both Bollman and Swartwout were later released by a ruling of John Marshall.

Meanwhile the stage was being set at Richmond for the trial of the "archconspirator." The government had seized on a dictum of Marshall in the matter of Bollman and Swartwout to bring Burr to Richmond for trial. It was not necessary, so Marshall appeared to have said, for a conspirator to be actually present in the flesh at that assemblage of armed men which constituted the crime of treason.[7]

Unfortunately, from the point of view of the prosecution, Richmond lay in Marshall's bailiwick, and the Chief Justice promptly decided to sit personally in the proceedings. And if there was anyone whom Jefferson hated and feared worse than Burr at this moment, it was Marshall. To the President, Marshall was the embodiment of the Judiciary, the rock on which all his visions of a republican form of government might well split, the last bastion and refuge of the irreconcilable Federalists. As if to prove that his fears were not ill-founded, the Federalists made common cause with the prisoner. So did the enemy in his own ranks—John Randolph and his little band of *Quids*. It was all the more necessary, therefore, to convict Burr and break up this new and unholy alliance.

For the government appeared Caesar A. Rodney, the Attorney General, George Hay, United States District Attorney for Virginia, William Wirt, the future biographer of Patrick Henry, and Alexander McRae, Lieutenant Governor of Virginia. For the defense appeared a galaxy of the best legal talents in the country—Burr himself, who had vied with Hamilton as the leading luminary in New York, Edmund Randolph, Jefferson's old political comrade and former Attorney General and Secretary of State, John Wickham, unrivaled in his comprehensive grasp of the law, and the indomitable Luther Martin, whom Jefferson was to term "the bulldog of Federalism," and whose violent tirades against Jefferson in the "Cresap" matter had given the President some most uncomfortable moments. The chief adversaries were to prove Hay on the one side, and Martin and Wickham on the other; with Marshall sitting in lonely majesty, even when associated with a colorless associate judge on the bench.

The first arguments were directed toward holding Burr for trial on a misdemeanor for setting on foot in the jurisdiction of the United States an expedition against the Spanish possessions; and, more serious in its implications, for treason in seeking the dismemberment of the Union. After lengthy argument, Marshall found that a prima facie case had been spelled out on the misdemeanor, and bound Burr over for a grand jury on that. But on the graver charge of treason, he found no such evidence as the

Constitution required: the actual levying of war against the United States, substantiated by the direct testimony of two witnesses.

Jefferson was in a rage when the news was posted to him in Washington. The misdemeanor charge was trifling, and hardly a man in the country considered an action directed against Spain as anything but meritorious. In his fury against Marshall and Burr, he allowed himself some defective legal reasoning that, under more objective circumstances, he would never have agreed to. "Hitherto we have believed our law to be," he wrote James Bowdoin, "that suspicion on probable grounds was sufficient ground to commit a person for trial, allowing time to collect witnesses till the trial. But the judges here have decided, that conclusive evidence of guilt must be ready in the moment of arrest, or they will discharge the malefactor.... The fact is, that the federalists make Burr's cause their own, and exert their whole influence to shield him from punishment, as they did the adherents of Miranda. And it is unfortunate that federalism is still predominant in our judiciary department, which is consequently in opposition to the legislative and executive branches, and is able to baffle their measures often." [8]

He was still complaining bitterly over the decision several weeks later. "All this, however, will work well," he prophesied. "The nation will judge both the offender and judges for themselves. If a member of the executive or legislature does wrong, the day is never far distant when the people will remove him. They will see then and amend the error in our Constitution, which makes any branch independent of the nation." It was on such an amendment that he placed his hopes for curbing the judiciary; for he admitted that "impeachment is a farce which will not be tried again." [9]

Grand jury proceedings on the misdemeanor were to commence May 22nd. At first it was believed that Wilkinson would not come from New Orleans to testify, and the defense took full advantage of the report. Giles warned Jefferson that if Wilkinson was *not* ordered to Richmond, not merely the case itself but the character of the administration would be badly damaged.[10] Accordingly, it was decided to bring the fire-breathing general north.

Just before the trial opened, Jefferson bethought himself of a method for clinching the testimony. While he could not use Bollman's statement to himself—it had been given under a promise that it would remain confidential—he could offer Bollman a pardon if he would testify against Burr. In fact, he sent a sheaf of blank pardons to George Hay, "to be filled up at your discretion, if you should find a defect of evidence, & believe that this would supply it, by avoiding to give them to gross offenders, unless it be visible that the principal will otherwise escape." [11]

Hay, on whom the whole burden of the prosecution rested, complained constantly to Jefferson. Bollman neither accepted nor rejected the offer of a pardon. Wilkinson had not yet appeared and might have perished in

the storms raging at sea. Burr was trying every legal trick to harass him. Marshall was in effect an attorney for the defense. In short, Hay was wearied, exhausted and irritable.[12] And, to cap the climax, one of the grand jurymen was no less a personage than John Randolph of Roanoke, whom Marshall promptly and ill-advisedly appointed foreman of the jury.

On the other hand, the long-awaited Wilkinson finally showed up, resplendent in gold lace and swaggering. Hay was so happy to see him that he changed his former judgment of the general; now he was erect, serene, composed, mild and determined—in short, he had been "most grossly calumniated." [13]

Others, however, did not have Hay's special reasons for admiring Wilkinson. General Andrew Jackson was denouncing the noble general "in the coarsest terms in every company"; [14] while young Swartwout rudely shouldered him off the sidewalk and offered him the satisfaction of a duel if Wilkinson resented the physical contact. But Wilkinson pocketed the insult in silence.

From the distance of Washington, Jefferson was watching the proceedings intently. He wanted the entire evidence taken down verbatim for later presentation to Congress; and he directed Hay, if no true bill were to be found by the grand jury, to interrogate the witnesses privately. "Go into any expense necessary for this purpose," he ordered, "and meet it from the funds provided by the Attorney General for the other expenses." [15]

In the midst of the proceedings, the dreaded case of Marbury v. Madison was cited—that case in which Marshall had once skillfully set forth the proposition that the courts could declare an act of Congress unconstitutional. Jefferson reacted vehemently. "I think it material," he told Hay, "to stop at the threshold the citing that case as authority, and to have it denied to be law.... On this construction I have hitherto acted; on this I shall ever act, and maintain it with the powers of the government, against any control which may be attempted by the judges, in subversion of the independence of the executive & Senate within their peculiar department.... I have long wished," he continued grimly, "for a proper occasion to have the gratuitous opinion in Marbury v. Madison brought before the public, and denounced as not law; & I think the present a fortunate one, because it occupies such a place in the public attention." [16] Unfortunately, the reference had been made in passing, and Hay never had a chance to make a full dress issue of it.

Then, in the middle of the proceedings, a bombshell burst. The defense demanded that a subpoena *duces tecum* be issued to the President of the United States to produce those letters from Wilkinson and others on which his message to Congress concerning Burr had been predicated. Hay countered angrily that the court had no power to compel the Chief Executive's attendance; and Marshall himself called for argument on the point the following day.

But Hay, fearful that the decision would go against him, sent an express to Jefferson begging him to forward the documents, so that the question of his personal appearance might be avoided.[17]

Jefferson was confronted with a dilemma. He denied any authority in the judiciary over him, yet he too feared a head-on collision with Marshall if the ruling should go against him. He solved the dilemma therefore by expressing his willingness to furnish such papers to the court voluntarily as the public interest permitted to be communicated, but reserving to himself the right to determine what those papers should be.[18] On the question of any *personal* appearance, however, he was adamant, standing on the Constitutional ground that the President could not be withdrawn from his public duties "by any co-ordinate authority."[19]

Marshall, however, prodded by Luther Martin of the defense, issued the subpoena without any strings attached. Jefferson raged at the news and turned all his wrath against the insistent Luther Martin, whom he had private reasons to detest. Something must be done, he fumed to Hay and to Rodney, about this "unprincipled & impudent federal bull-dog." Could not Martin be indicted with Burr as *particeps criminis* in his treason? Could they not "break down the impudent supporters of Burr by shewing to the world that they are his accomplices?"[20] Yet he sent the documents required, and Marshall did not press the issue of his personal appearance. So that this grave constitutional question remained in abeyance.

The prosecution—and Jefferson—heaved a sigh of relief when Wilkinson finally appeared. With him in the witness chair, Burr was as good as convicted. Jefferson hastened to express his public confidence in the general by a congratulatory letter. "You have indeed had a fiery trial at New Orleans," he wrote, "but it was soon apparent that the clamorous were only the criminal, endeavoring to turn the public attention from themselves & their leader upon any other object."[21]

It was essential indeed for Jefferson publicly to bolster Wilkinson; for, should the latter be discredited, his whole administration might go down with him. It was for that reason that Jefferson resolutely shut his ears and eyes to all warnings against Wilkinson, and to plain-spoken allegations that the general had been in the pay of Spain for many years.[22]

But Wilkinson did not make a good impression as a witness. He writhed under the relentless cross-examination of Burr's counsel and of John Randolph as jury foreman, even though his trump card, the cipher letter, could not be evaded. He was even attacked and submitted to indignities for his reign of terror and intimidation of witnesses in New Orleans. It was only by a vote of 9 to 7 that Wilkinson did not find himself in the prisoner's box as well as Burr. Randolph was disgusted at his intended victim's narrow escape. He called him a "villain" and a "finished scoundrel," and through him would have hit at Jefferson.[23]

Nevertheless, in spite of the discrediting of Wilkinson, the cipher letter

gave sufficient evidence to hold Burr, as well as Blennerhassett, on charges of treason and misdemeanor, and the Grand Jury so decided.

All was joy in the administration ranks, and the former defeats forgotten. Every nerve was strained to gather such an overwhelming mass of evidence as must convict Burr before a regular jury. The treason trial opened on August 3rd, with a hundred government witnesses rounded up for testimony. They ranged from Wilkinson to General William Eaton, from Colonel George Morgan to a Major Bruff.

But not all of them had a chance to present their testimony. Hardly had General Eaton, as the first witness, taken the stand, when Burr interposed the fundamental objection that before *corroborative* testimony could be adduced, the *overt act* of treason itself must be proven, as required by the Constitution. Marshall overruled him as to the order of testimony, though admitting the basis of the objection. Witness after witness thereupon took the stand to narrate what had happened on Blennerhassett Island, the locus of that overt act on which the prosecution relied.

When they were ended, the defense moved for an arrest of testimony and a dismissal, on the ground that no overt act had been proved; and that, even if proved, Burr was conceded not to have been present on the Island at the time. After some magnificent forensic displays on either side of the motion, Marshall rendered his decision. Under the Constitution and the common law, he declared, the presence of Burr was essential at the site of the overt act for a conviction, and thereupon turned the case over to the jury without further ado. The jury returned forthwith with a Scotch verdict of "not guilty, because not proven guilty." The great treason trial was over, and Burr was acquitted.

George Hay was sick and disheartened; though he was so fed up with the whole business that he believed Marshall's abrupt action had actually saved his life.[24]

But Jefferson was determined not to let Burr escape this easily. Let him at least be convicted on the misdemeanor charge; let the testimony of every witness be taken and preserved so that Congress could make the necessary provisions for the future. "The event has been what was evidently intended from the beginning of the trial . . ." he fumed to Hay. "This criminal is preserved to become the rallying point of all the disaffected and the worthless of the United States, and to be the pivot on which all the intrigues and the conspiracies which foreign governments may wish to disturb us with, are to turn." [25]

Hay wearily followed instructions and sought to commence another treason trial in another jurisdiction, but Marshall ruled that the misdemeanor must first be tried in Richmond. The ensuing trial, however, was an anticlimax, and everyone recognized it as such. Identical evidence was introduced, and Marshall ruled identically. Once again there was an arrest

of incompetent testimony, and this time the jury brought in a straight verdict of "not guilty."

Then Hay, still in obedience to orders from Washington, sought further treason indictments based on acts in Ohio, Kentucky and Mississippi; but after interminable evidence, Marshall ruled against him, though holding Burr on bail for a misdemeanor in Ohio.

Burr was never brought to trial, however. Fearing Jefferson's pertinacity in his pursuit, he went into hiding and eventually made his way to Europe, where his schemes and adventures bordered on the fantastic; coming home again during the war with England to spend the remainder of his life in obscurity.

By this time Hay was disgusted with Wilkinson. "My confidence in him is shaken, if not destroyed," he told Jefferson. "I am sorry for it, on his own account, on the public account, and because you have expressed opinions in his favor; but you did not know then what you soon will know." [26]

Jefferson, however, clung to his star witness in spite of all the evidence. "The scenes which have been acted at Richmond are such," he consoled his bedraggled General, "as have never before been exhibited in any country where all regard to public character has not yet been thrown off.... However, they will produce an amendment to the Constitution which, keeping the judges independent of the Executive, will not leave them so, of the nation." [27]

His efforts in the direction of such an amendment proved in vain. He drafted a message to the House embodying some of his conclusions, but seemingly it was never sent.[28] On November 5, 1807, Senator Tiffin of Ohio moved a Constitutional amendment limiting judicial office to a term of years, and providing for the removal of judges by the President on the address of two-thirds of the members of both Houses. It was defeated. Giles sought to redefine treason in a bill which passed the Senate, but failed in the House. On the other hand, John Randolph implacably pursued Wilkinson with a series of investigations of his conduct which eventually ended in a dreary swamp of words, and Wilkinson proceeded to further and just as futile triumphs in the War of 1812 that helped wreck the Canadian invasion. A move was made to expel John Smith of Ohio from his Senate seat because of his alleged complicity with Burr, and that failed by a single vote. Smith bowed to the inevitable, and voluntarily resigned.

Under such discouraging circumstances—from Jefferson's point of view—ended what is perhaps the most sensational and important trial in American history.

Congress assembled October 26, 1807, on the President's call to consider the crisis with England over the *Chesapeake* incident. On the following day it listened to the reading of Jefferson's Message.

"Circumstances, fellow citizens," it commenced solemnly, "which seri-

ously threatened the peace of our country have made it a duty to convene you at an earlier period than usual." After a rapid survey of the unsatisfactory relations with England even before the outrage on the *Chesapeake*, Jefferson narrated the facts of the attack and its aftermath—the perhaps even more serious matter of the decree issued by that nation forbidding neutral trade with all European ports allied with the French.

He then went on to give an account of the defensive measures he had taken—the fortification of New York, Charleston and New Orleans, the mobilization of the gunboats and the tentative call for the militia. The raising of a regular army was discreetly left to the consideration of Congress.

Relations with Spain were touched on lightly. The Burr case was laid before the lawmakers, with the remark that "you will be enabled to judge whether the defect was in the testimony, in the law, or in the administration of the law; and wherever it shall be found, the Legislature alone can apply or originate the remedy." [29]

The message had been considerably emasculated from its original drafts. Jefferson had first inserted a significant phrase in his discussion of relations with England: "and the moment seems approaching when we may owe it to mankind as well as to ourselves to restrain wrong by resistance"; as well as other statements of almost equal vigor.[30]

But Gallatin had taken alarm at the seemingly warlike tone of the draft and entered a strong protest. It appeared to him rather "in the shape of a manifesto issued against Great Britain on the eve of a war," he warned Jefferson, "than such as the existing undecided state of affairs seems to require." To him it was proper rather to *prepare* for war while preserving "that caution of language and action which may give us some more time and is best calculated to preserve the remaining chance of peace . . ." [31] Jefferson yielded to the exhortations of his Secretary of Treasury and excised the offending phrases.

The Republican majority went immediately to work on measures to implement the polite suggestions contained in the Message. With commendable speed it passed over both Federalist and *Quid* opposition appropriations for additional defensive fortifications and for a substantial increase in the number of the President's pet gunboats.

Jefferson was satisfied with the result, and particularly with the failure of John Randolph and his *Quids* to override his program. Some twenty of them had held a caucus to organize an opposition, he wrote his daughter; but they would be unable to "shake the good sense & honest intentions of the mass of real republicans. But I am tired," he added, "of a life of contention, and of being the personal object for the hatred of every man, who hates the present state of things." [32]

At the end of November, however, the disturbing news came from England that Canning had refused to consider the *Chesapeake* incident and the impressment issue as a single unit; that he was sending a special

envoy to Washington to discuss the former alone, and that Monroe was quitting his post.[33]

Erskine, the British Minister in Washington, had received his own report of the situation, and hastened to confer with Jefferson. The latter was very much taken aback at Canning's brusk communication to Monroe. He thought it "unfriendly, proud & harsh, and looks little like proposing much more as to the Chesapeake than the disavowal of having ordered the act. It manifests little concern to avoid war. As soon as we recieve the same papers from Monroe," he told Thomas Mann Randolph, "we shall communicate them to Congress, & they will take up the question of whether War, Embargo, or Nothing shall be the course. The middle proposition is most likely." [34] At least this was what Jefferson himself advocated.

The moment the official dispatches arrived, Jefferson laid them before Congress with an accompanying confidential Message; following it later, on receipt of the further double news of the British order for strict impressments from neutral vessels and Napoleon's equally strict order for the enforcement of his Berlin Decree, with another Message which recommended the imposition of an embargo. "I deem it my duty," he informed the lawmakers, "to recommend the subject to the consideration of Congress, who will doubtless perceive all the advantages which may be expected from an inhibition of the departure of our vessels from the ports of the United States." [35]

At long last, he had come to the public advocacy of his secret weapon against offending nations—the imposition of an embargo on all communication and commercial intercourse. No ships were to enter; no ships were to depart. The United States was to retreat within its Chinese wall of exclusion, cut itself off from the world, and live in self-containment. He was certain that neither England nor France—but especially England—could long stand the complete excision of the American trade, and must come to terms within a short time. What would happen to the American economy in the meantime was another matter.

On December 14th, the Nonimportation Act of April 18, 1806, several times suspended, automatically went into effect; though the merchant class protested in the strongest possible terms. Therefore the proposed embargo would be but an extension of a law already in force. Gallatin was inclined to favor his chief's idea of an embargo over the Nonimportation Act, provided it was for a limited period only. He was vehemently opposed to a permanent one. "I prefer war to a permanent embargo," he asserted. However, he was wholly sceptical that the imposition of any restrictive measures would obtain better treatment from England. "Governmental prohibitions," he warned, "do always more mischief than had been calculated; and it is not without much hesitation that a statesman should hazard to regulate the concerns of individuals as if he could do it better than themselves." [36] This was *laissez-faire* with a vengeance.

Jefferson refused to heed the Cassandralike warning of his cautious Secretary, and put the Administration forces in Congress in motion.

In the House, John Randolph, for once not altogether at odds with the President, promptly introduced a resolution "that an embargo be laid on all shipping, the property of citizens of the United States, now in port, or which shall hereafter arrive."

But the resolution held limitations which were unsatisfactory to the Jeffersonian cohorts, and the Senate, dispensing with all rules, hurried through its own more sweeping bill on the very day it received the Message, by a vote of 22 to 6. In the afternoon, so great was Jefferson's haste, the bill was rushed to the House. But Randolph and Jacob Crowninshield, whom Jefferson had coupled with Randolph as a leader of the *Quids*, now turned against the whole idea, and a furious debate raged on the Senate bill. Amendment after amendment was proposed to weaken and emasculate it, but the Jeffersonians steadily beat them down with a few minor exceptions, and the House finally concurred on December 21st by a vote of 82 to 44, with Randolph and his die-hards, together with the Federalists, voting in opposition.[37] Jefferson signed the Act on December 22nd, and his dream of an embargo as an effective and peaceful means of coercion now became the law of the land.

CHAPTER 62

Embargo

JEFFERSON now had his Embargo. The question was, what was he going to do with it, and what would the repercussions be? The law declared that all ships within the jurisdiction of the United States, with the exception of departing *foreign* ships, could not sail for any foreign port; and those which intended only to engage in coastwise trade must give a bond that their destination was actually as stated. This last, incidentally, was to furnish a loophole for evasion which gave the government many a headache.

The law had been rushed through with a minimum of consideration and with practically no debate in the Senate. Those who, like Senator John Quincy Adams, had expressed doubts over its necessity on the strength of the papers submitted by the President, were assured that Jefferson wished it merely as an aid in the forthcoming negotiations with the British special envoy. But Adams, though yielding, suspected other reasons which did not appear on the surface. He was correct; for Jefferson knew—and had not seen fit to disclose it to Congress—of the impending British decree imposing a blockade on all French ports, including those of her colonies and allies.[1]

As time went on, Congress passed supplementary acts to both the Embargo and the Nonimportation Laws, tightening the regulations and increasing the penalties in order to plug loopholes as they appeared. One such, in particular, was the suddenly increased overland trade with Canada; and a law was enacted forbidding exports by land as well as by sea.[2]

Jefferson justified the Embargo Act on the basis of the British order of November 14, 1807. "If we had suffered our vessels, cargoes and seamen to have gone out," he asserted, "all would have been taken by England or its enemies, and we must have gone to war to avenge the wrong. It was certainly a better alternative to discontinue all intercourse with these nations till they shall return again to some sense of moral right." [3]

Yet, oddly enough, the very people he was so assiduously protecting—the shipowners, the merchants and the seamen—protested to the skies against the limitations on their movements and the total destruction of their means of livelihood. They were willing to take their chances with foreign search, blockades, restrictions and even confiscations. It was better to take the risk than to sit supinely back and face inevitable ruin. The profits to be made on any cargo that *did* get through were enormous,

and more than counterbalanced the losses on others. Furthermore, the Napoleonic threats against any traffic with England could be dismissed as ineffectual. Provided they submitted to the licensing system of the British, they had the British navy to protect them on the high seas and a secure entry into British ports. The Federalists, largely concentrated in the mercantile and shipping areas, were unwearied in denunciation.

"I fear we are about to plunge the nation into the most dreadful calamities . . ." communicated an anonymous New England Congressman to a Federalist newspaper. "I cannot express to you in terms sufficiently strong my abhorrence of *what* we are doing, and the *manner* in which we are doing it." [4]

The Boston press was particularly violent. Under the headline of *Mr. Jefferson Disgraced*, the *New England Palladium* avowed that "Happily for the country, it will soon be well understood by the world that THE PEOPLE of *America*, do not support Mr. Jefferson in his gallic attachments," and insisted that the embargo laws had been dictated by the President's desire to pacify Bonaparte.[5]

Even in Jefferson's native state the merchants were crying havoc. "This Embargo will ruin this state if it continues long," wailed one of them. "They talk of Locking up the Courts of Justice to save the Country from distruction [*sic*]. In 12 hours after the news of the Embargo, flour fell from 5½$ to 2½. at this place, and Tobacco from 5/2 to 3$ and every thing in proportion & god only knows the result." [6]

The grave Constitutional question, however, seemed to have excited little comment; yet the Embargo stretched that much-stretched instrument far beyond the National Bank or even the purchase of Louisiana. It took out of the hands of individuals, as Gallatin had pointed out, the management of their own affairs and property in time of peace; it clamped on states and private citizens a series of controls, restrictions and regulations for which little justification could be found in the express terms of the Constitution. Yet Jefferson did not even discuss privately—as he had in the case of Louisiana—these considerations which went completely against the grain of his own philosophy of a strict construction.[7]

In the midst of the excitement the Republicans in Congress met in caucus to choose their candidates for the Presidential election in the fall. Until the last moment it had been hoped that Jefferson would consent to run again, and resolutions from Republican state legislatures poured in entreating him to serve for a third term. But Jefferson declared it to be his duty to decline, even though the Constitution was silent on the subject. Otherwise, he said, the office might become one for life and even degenerate "into an inheritance." He wanted, he added, to follow "the sound precedent set by an illustrious predecessor." [8]

Accordingly, and with considerable reluctance, the caucus looked elsewhere. It was well known that Monroe was a candidate, and that John

Randolph and his friends were backing him; but it was equally well known that the President, for all his professed neutrality, had chosen Madison as his successor. So hopeless, therefore, was the case for Monroe, that Randolph absented himself from the meeting. Of the 89 present, Madison received 83 votes, with George Clinton and Monroe trailing far behind with 3 votes apiece. Though there was opposition to Clinton for a continuance in the Vice-Presidency, it was deemed wiser to offer it to him to avoid disgruntlement and a possibility of sabotage in New York against Madison. It was also expected that he would decline the office. But the aging Clinton surprised them—and Jefferson—by accepting.[9]

Monroe came home from the debacle of his negotiations with England in a resentful and embittered mood. He blamed his old friends, Jefferson and Madison, for everything that had happened; and did not hesitate to tell Jefferson at least the subject matter of his complaints. He had never in his whole life been treated so badly, he cried. The administration had foisted Pinkney on him (Monroe conveniently forgot that *he* had been foisted on Livingston in France); the treaty they had fashioned had been cavalierly dismissed; and, while disclaiming any idea of revenge, he demanded justice.[10]

Immediately on Monroe's arrival Jefferson had sought to dissociate himself from the candidacies of Monroe and Madison, alluding to them delicately as the "two principal pillars of my happiness." [11] But he now perceived from Monroe's retort that the matter struck much deeper, and that Monroe must be placated if a dangerous schism were not to develop. He therefore cast the blame for Pinkney's appointment on the insistence of Congress; avowed that the treaty had come to his hands on the day of adjournment; and that he had always been careful to absolve both envoys from any blame.[12]

Monroe harkened to the soothing tale, and expressed satisfaction at having his doubts over Jefferson's friendship thus removed. Nevertheless, uneasy in his own mind over the intended treaty, he launched into a long self-justification.[13] Nor did the memory cease from rankling. Two years later, he agreed with John Taylor that two great errors had marred Jefferson's second administration—one was the Embargo; the other, the rejection of Monroe's treaty.[14]

Jefferson was tired of his post and sincerely anxious for the day when he could quit it for the privacy of Monticello and more congenial pursuits. He no longer was able to goad himself from morning to night in the endless job, as he put it, of cleaning out an Augean stable every night, only to find it filled again in the morning. And, for the entire month of January, 1808, he suffered from an infection of the jaw which confined him indoors.[15]

Yet he roused himself sufficiently, when a New York clergyman politely requested him to declare a day of fasting and prayer in the current emer-

gency, to enunciate once more his unalterable opposition to any commingling of religion with government. "I consider the government of the US.," he repeated firmly, "as interdicted by the Constitution from intermeddling with religious institutions, their doctrines, discipline, or exercises.... Certainly no power to prescribe any religious exercise, or to assume authority in religious discipline, has been delegated to the general government.... Fasting & prayer," he pointed out, "are religious exercises. The enjoining them an act of discipline." To the argument that his predecessors in office had so enjoined them, he retorted that they had labored under a misapprehension of their Constitutional powers.[16]

George Rose, Canning's special envoy, appeared in Washington toward the end of January, 1808, and promptly informed Madison that his instructions expressly precluded him from any negotiations over the *Chesapeake* "as long as the proclamation of the President of the United States of the 2nd of July, 1807, shall be in force." Nor, he continued, did he have the power to discuss *anything* but the *Chesapeake*. Nor could he disclose even what offer he was prepared to make on that, until all other points were cleared up; except to assure Madison that it would prove satisfactory.[17]

This certainly was not the language of diplomacy, and both Madison and Jefferson were correct in refusing to permit any such arrogant attitude. Madison countered with equal coldness and brevity that the American government must decline to accede to these unilateral conditions, that Jefferson was determined not to discuss the *Chesapeake* except in conjunction with the matter of the search of public ships and of impressment; and that any *private* disavowal of the outrage would be no substitute for a formal and public apology. As for Rose's own coupling of the incident with Jefferson's proclamation, Madison dismissed that with icy contempt.[18]

Rose retorted that, under such considerations, he was terminating his mission.[19] One wonders then why he had come in the first place, and what Canning expected to gain by this unnecessary display of arrogance and brutality toward the American government and people.

Perhaps some measure of Rose's curtness at this point was due to the knowledge that a large section of New England Federalists were willing to swallow all insults and to go even to the lengths of treason in their eagerness to trample Jefferson in the mud, rid themselves of embargo and nonintercourse, and tie themselves once more to England at any price.

Senator Timothy Pickering, the unreconstructed firebrand from Massachusetts, waited barely two days after Rose's arrival to get in touch with him. He listened with open approval to Rose's strictures on the American government, and departed convinced in his own mind that England was ready to offer concessions on the *Chesapeake* which, if we refused and went to war with her, would place the fault squarely on the United States.[20]

Nor did he stop with mere conviction. Not long after Madison had informed Rose that his conditions were unacceptable to the American government, Pickering wrote openly to the British envoy: "You know my solicitude to have peace preserved between the two nations, and I have therefore taken the liberty to express to you my opinion of the true point of policy to be observed by your Government toward the United States, in case your mission prove unsuccessful; that is, *to let us alone; to bear patiently the wrongs we do ourselves*.... I also know that in the present unexampled state of the world our own best citizens consider the interests of the United States to be interwoven with those of Great Britain, and that our safety depends on hers." He was certain, he added, that the Embargo would overthrow the administration, and that a new one would alter American policy "in a manner propitious to the continuance of peace." [21] This astonishing intervention emanated from the man who, as Secretary of State in Adams's time, had backed the Logan Act which made it a crime to hold communications with a foreign government in pending controversies!

Nor was this the full extent of Federalist activity. April was an election month in Massachusetts, and both the Republican governor, James Sullivan, and an already wavering Federalist, Senator John Quincy Adams, were up for re-election. Pickering injected himself into the campaign with a letter to Sullivan which he demanded should be laid before the state legislature. It viciously attacked the Embargo and used language that looked unmistakably to a separation of the seaboard States from the Union.[22]

Sullivan naturally refused to lay the seditious communication before the legislature; whereupon the Federalists themselves published it. In the storm that followed, Sullivan barely squeezed through; but the legislature went Federalist, and promptly replaced Adams with one of their own party, James Lloyd. It was the first test of the public reaction to the Embargo, and it proved to be a resounding defeat for Jefferson's policies; though it must be remembered that the Massachusetts shipowners, merchants and seamen had been the most severely affected by the cessation of all foreign intercourse.

But other states were in a not much better position. The journal of a sea captain graphically describes conditions in Pennsylvania and New York. "The embargo has produced dreadful effects. The seaports are all crowded with shipping, the sailors have gone off in search of employment, at least one thousand of them from New York alone, in Halifax the British have given them employment. There is supposed to be at this time in Philadelphia 70 thousand barrels of flour, the greatest part of which must sour. Some persons of information appear to think that a continuance of the embargo beyond the ensuing session of Congress will excite a rebellion, particularly in the eastern states, the dutchmen of Pennsylvania say dey [*sic*] will not vote for Jefferson any more—"[23]

Timothy Pickering and the extreme Federalists found other means besides Rose for entering into communication with the British. A certain John Henry, acting discreetly as unofficial agent for Sir James Craig, the Governor of Lower Canada, was able to mingle in the best Federalist circles of Boston and establish valuable contacts with disaffected Americans. He sent regular reports to Craig, which in turn were transmitted to England. He even managed to attend private meetings of the Federalists where measures were discussed to "rouse the people from their lethargy" and "a firm determination expressed that they will not co-operate in a war against England." Thus encouraged, Henry boldly suggested to them a resolution that "in case of a declaration of war the State of Massachusetts should treat separately for itself, and obtain from Great Britain a guarantee of its integrity." Even the most extreme, however, hesitated over this irrevocable move; though they admitted it might be "a very probable step in the last resort. In fine," Henry concluded his report with a flourish, "every man whose opinion I could ascertain was opposed to a war, and attached to the cause of England." [24]

John Quincy Adams got wind of these private meetings and of John Henry's role in them, and called on Jefferson to warn him to be on his guard against the British intrigue with the disaffected Federalists of New England. The seditious activities he had uncovered shocked the conscience of this son of John Adams, and it was now that he turned wholly to Republicanism. He had been pretty much of an independent for some time, and the suspicions of the Massachusetts Federalists over his orthodoxy, as evidenced by their refusal to reappoint him to the Senate, seemed to them thoroughly justified by his later course.[25]

Madison's firm responses to Rose and the latter's prompt decision to consider his mission at an end should have put a stop to all further negotiations. But Jefferson was aghast. This meant war and, for all his bellicose avowals, Jefferson wanted no war. What followed can only be pieced together from Rose's reports to his home government.

Within a few hours after that last fatal conference between Madison and Rose, Samuel Smith, the Secretary of Navy, found means to communicate to the Englishman that the bone of contention—the withdrawal of Jefferson's Proclamation forbidding American ports to British war vessels—might perhaps be taken care of, if Jefferson could find a way to do it "without exposing himself to the charge of inconsistency and disregard of the national honor, and without compromising his own personal weight in the State." Jefferson therefore "earnestly wished that I [Rose] could make, as it were, a bridge over which he might pass" and "justify him in the course which I required should be taken." In any event, however, Rose was to be assured that no war was intended with England; though of course, if *she* attacked, the United States would defend itself and invade Canada.[26]

If Rose is to be believed—and there is no reason why he should not be, in the essentials at least—Jefferson was placing himself in a most humiliating position. While publicly dealing with England with a firm and unwavering hand, privately he was in effect pleading with her and throwing himself on her mercy. It is not a particularly edifying picture.

Rose listened to Smith's indirect proposals without indicating his own reaction, preferring to wait until, as he put it, "the utmost point to which they would go was ascertained."

Then Smith showed up in person, to assure Rose that Jefferson knew of his communications. The President's difficulty, said Smith, "arose from the sacrifice of public opinion which he apprehended must follow from the abandonment of the proclamation. He said I must be aware how dear to Mr. Jefferson his popularity must be, and especially at the close of his political career ... and he pressed me earnestly to take such steps as would conciliate the President's wish to give his Majesty satisfaction on the point in question and yet to maintain the possession of what was pre-eminently valuable to him." [27]

All this and more, relating to the Floridas, did Smith narrate to Rose in this amazing interview. Certainly Jefferson could not have been aware of Smith's cynical and slighting references to himself; but the whole affair discloses that Jefferson's old skill in negotiation had deserted him. Perhaps the breakdown of his powers at this point can be attributed to his physical illness. Not only was he confined with an infected and swollen jaw, but those periodical migraine headaches which regularly incapacitated thought were upon him, and were to continue for several months.[28]

Finally Rose acceded, and wrote Madison that if the Proclamation were withdrawn, he was certain the entire business could be settled "amicably and satisfactorily." He was even willing to return to England with a report of Jefferson's difficulty; but Jefferson preferred to settle affairs on the spot. At length Madison was empowered to propose that a formal recall of the Proclamation, signed and sealed, but undated, would be placed in Rose's hands for him to insert the date, when agreement had been simultaneously arrived at on the other points. To this Rose rather reluctantly assented, and Jefferson's honor was saved.

Yet, when negotiations on this basis finally commenced, Madison discovered how little Rose had to offer, and how limited were the reparations for the *Chesapeake* affair which England was willing to make. All the humiliations that Jefferson personally, and the United States as a nation, had undergone had been in vain. Canning's proposals for settlement could not be accepted without arousing a storm to which the furore over the Embargo would be a mere bagatelle. Nothing therefore remained but to swallow the original insults and drop the matter; though Madison left the door discreetly open for a while. Rose, however, shut it with something of a bang; and one of the most discreditable episodes in American history had ended.[29]

With nothing further to be expected from England, with the new Order in Council proposing new outrages on America, with France disclosing an equal determination to trample neutral rights *via* the Berlin and Milan decrees, Jefferson now determined to push the Embargo to the limit. At the same time, on a wave of Congressional indignation against both England and France, the regular army was increased to 10,000 men, and a bill became law which gave Jefferson discretionary powers to suspend the Embargo in whole or in part during the Congressional recess. Then the lawmakers adjourned on April 25th, and Jefferson was left to ride the storm alone as best he might.

He would have preferred to the regular army thus furnished him, a provision for a conscripted militia of young men in the age class from twenty to twenty-six, the number of which he estimated at 250,000; but he had feared to place such a "great innovation" before the current Congress. He had also failed twice in obtaining another measure near his heart —"the immediate settlement, by donation of lands, of such a body of militia, in the territories of Orleans & Missisippi, as will be adequate to the defence of New Orleans." [30]

As for the Embargo itself, he wished to give it a fair trial. It was to him, injurious though he acknowledged it to be to private interests, the only alternative to war. "For a certain length of time," he wrote, "I think the embargo is a less evil than war. But after a certain time it will not be so. If peace should not take place in Europe, & if both France and England should refuse to exempt us from their decrees & orders as we shall very strenuously urge, it will remain for Congress when they meet again to say at what moment it will become preferable for us to meet war rather than a longer continuance of the embargo." [31] What he hoped, of course, was that the Embargo would have brought both England and France to their knees *before* Congress met.

But the people, in spite of Jefferson's optimistic statements that, aside from a few Federalists, they were solidly in back of him, were not disposed to wait until Congress met again. On all fronts the pinch was being felt, and evasions grew more numerous.

Jefferson sought to avoid the inevitable consequences to the nation's economy from a cessation of all foreign trade by proposing an increase in home manufactures. It was about this time probably that he copied out into his commonplace book an extract from Voltaire on manufactures in the "Age of Lewis XIV" with the approving comment: "The above extract is peculiarly appropriate to the present period of American history when the good sense of the Nation has been directed to the encouragement of manufactures in which alone true independence subsists—America possesses within itself all the means of extensive manufactories—all that is necessary to ensure their success is proper encouragement from the Government, without which it is vain to calculate on their permanency to produce any National benefit—The great obstacle hitherto in the prosecution

of extensive works has been the want of sufficient Capital; to remove which it is necessary either that several individuals combine their funds, or that proper support be given by the Government."

On the latter, Jefferson suggested "liberal premiums for given quantities and qualities of the different articles manufactured"; the invention of "ingenious and useful machines" for which exclusive patents would be granted; and "Acts of Incorporation to Companies established for the prosecution of Manufactures—by this means the Capital of the country is concentred, and monied men will be secure in their advances without being personally obliged to attend to the details of a concern of which they may be entirely ignorant." [32]

One rubs one's eyes. Can this be Jefferson writing, and not Hamilton? In essence this is a résumé of the proposals and arguments of Hamilton's Report on Manufactures, against which Jefferson had directed some of his bitterest diatribes. He was never again in either public or private utterance to attain this vision of an industrial economy, with its complex system of subsidies and perhaps protective tariffs, with its tenderness for "the monied men" and the safeguarding of their absentee interests. What he publicly advocated was merely a system of *domestic* manufactures, in the home or on the plantation, and not the great industrial corporations that are here envisaged. This private comment, buried in his commonplace book, is essentially what the biologists call a *sport*, never to be repeated.

More in line with his normal opinions was the editorial in the *Richmond Enquirer* which declared that "our women should all learn to spin, card, weave, dye and manufacture.... We may not have open markets abroad for years, and our planters will want the aid of manufactures to keep up the price of their produce, and to furnish supplies." [33]

It is interesting to note, however, that the semiofficial *National Intelligencer* hailed with satisfaction certain new manufacturing ventures in Virginia that adumbrated Jefferson's proposed corporate efforts. Such enthusiasm had been engendered in Virginia that Richmond had subscribed $500,000 and Petersburg $25,000. "Britain," crowed the newspaper, "seeing what is already done, will anticipate what will happen if she persist in her injustice; she will see that, five years hence, we shall not need a tenth part of the manufactured goods we now receive from her." [34] Unfortunately the Virginia ventures died a-borning.

As already indicated, the people of New England, New York and Pennsylvania were not willing to wait five years, or any part thereof, for England to yield. Those fortunate shipowners who had vessels abroad at the time the Embargo was proclaimed made no effort to bring them home. Instead, they kept them trading in Europe and England, submitting to risks, licensings and searches in order to reap huge profits. Others, not as fortunate, with their ships already in American ports, sought ingenious methods to slip them out on the pretext of the permitted coastal trade and

make a dash for the proscribed West Indies colonies; even at the risk of having their bonds forfeited. Still others turned to a flourishing overland trade across the border with Canada; from which the goods were transshipped to England. Congress eventually tried to plug the loophole in the law which permitted this traffic, but it persisted in defiance of law and of enforcement officers.

These ever-increasing evasions and defiances stirred Jefferson to a pitch of wrath reminiscent of his treatment of the British General Hamilton during the Revolution and of Aaron Burr within recent months. The traffic with Canada, indeed, had risen to insurrectionary proportions. Along the vast, insufficiently guarded border, stretching from the northernmost tip of Maine through Vermont to the upper reaches of New York, the defiant inhabitants conducted smuggling operations on an unexampled scale. Huge rafts were constructed to carry the proscribed goods up Lake Champlain and across the St. Lawrence, accompanied by bands of armed and determined men. The Governors of the states involved called out the militia to put a stop to the traffic; there were some armed clashes; but it continued nevertheless and in increasing volume.

So impotent were the usual law enforcement agencies to halt the smuggling that Jefferson issued a proclamation on April 19, 1808, declaring the Champlain area of Vermont in a state of insurrection, commanding the insurgents to disperse, and invoking the combined civil and military powers for their suppression.[35]

But the same situation existed on the New York side. The spring election in New York had disclosed a decided swing against the administration; though Jefferson refused to attribute it to its proper cause—hostility to his Embargo—preferring rather to blame it on "the old man," George Clinton, his Vice-President, who is, he avowed, "unquestionably hostile in his heart, & it is the doings of that family, & not the embargo that has affected the elections in New York."[36]

Yet New York smuggling reached such a peak that Jefferson seriously considered the issuance of another proclamation declaring *its* people in insurrection, determining finally to let the New York militia be called into service to patrol the border and to have the national government pay all expenses. "I think it so important in example," he wrote the Governor of New York, "to crush these audacious proceedings, and to make the offenders feel the consequences of individuals daring to oppose a law by force, that no effort should be spared to compass this object."[37]

But the "audacious proceedings" were prevalent in upper Maine as well; and Jefferson, now at Monticello on his annual vacation, demanded that Gallatin "spare no pains or expense to bring the rascals of Passamaquoddy to justice, and if more force be necessary, agree on the subject with General Dearborn or Mr. Smith [the Secretaries of War and Navy], as to any aid they can spare, and let it go without waiting to consult me."

Gallatin, however, was openly opposed by now to the continuance of

the Embargo, and Jefferson sought to placate him with an agreement "to consider any propositions you may make for mitigating the embargo law of April 25th, but so only as not to defeat the object of the law." [38]

But the Secretary of Treasury, though faithfully administering the law, could see no hope of "mitigation" without complete repeal. He saw clearly that the law was unpopular, that the mass of the people supported the smugglers and not the government, and that even friendly enforcement officers were afraid to act. The situation was so bad on Lake Champlain that he resignedly suggested a company of regulars and two armed gunboats to deal with the smuggling.[39]

By July, Gallatin was in open revolt. He told Jefferson plainly that if the Embargo was to be persisted in, two stringent rules must be adopted: first, that not a single vessel be permitted to move without Jefferson's special permission; second, that the Collectors be empowered to seize property anywhere and to dismantle ships in port sufficiently so that they would be unable to sail, whether there was any suspicion of an attempt or not. "I am sensible," he added morosely, "that such arbitrary powers are equally dangerous & odious. But a restrictive measure of the nature of the embargo applied to a nation under such circumstances as the United States cannot be enforced without the assistance of means as strong as the measure itself." [40]

Jefferson refused to heed the warnings of his plain-spoken Secretary; though he was ready enough to use the army and the navy against his fellow Americans, considering the present as a test of powers that would determine the future. "As I do consider the severe enforcement of the embargo to be of an importance," he wrote his Secretary of Navy, Robert Smith, "not to be measured by money, for our future government as well as present objects, I think it will be advisable that during this summer all the gunboats, actually manned and in commission, should be distributed through as many ports and bays as may be necessary to assist the embargo." [41]

The chief evasions, however, came not so much from the sources listed above as from a new coastwise traffic that had strangely sprung up since the imposition of the Embargo, and which received the blessing of such a good Republican governor as James Sullivan of Massachusetts.

It was discovered suddenly that the people of Massachusetts, for example, were in dire need of grain, flour and other staples that could only be obtained from the southern states. These articles were therefore duly placed on board ship at Charleston, Norfolk, etc., ostensibly bound for Boston, New York or Philadelphia. But always some furious storm arose at sea, or the navigational instruments developed peculiar quirks, and the disabled vessel found itself—altogether by accident—in Halifax or in the West Indies where, naturally, to avoid rot or other loss, the cargo was sold—at a very good profit.

Jefferson sought to put a stop to this traffic by sending a circular letter

to the State Governors asking that they detain any suspicious vessel bound *anywhere*, and to consider as suspicious any cargo of domestic goods allegedly bound for another American port which was in demand in the foreign market. Only if the particular Governor found that there was an "extraordinary deficiency in supply" of any such article in his own state, and so certified in writing, would a ship be released for that state with the needful cargo. But, warned Jefferson, no such certificate should be issued that might lead to an evasion of the law.[42]

Unfortunately, the power to issue these certificates of necessity only gave the traffic a new turn and served to corrupt Republican governors like Sullivan of Massachusetts.

On July 15th, Gallatin complained to Jefferson that he had received certificates of necessity from Sullivan covering 49,800 barrels of flour, 99,400 bushels of corn, 560 tierces of rice, 2,000 bushels of rye, together with an additional permission for either 7,450 barrels of flour or 30,000 bushels of corn—all addressed to people in Alexandria and Georgetown, Virginia, who were absolutely unknown to the Governor. Later in the day, more certificates poured in from Sullivan to the amount of 6,200 barrels of flour and 9,000 bushels of corn. Nor was Governor Langdon of New Hampshire far behind his obliging colleague of Massachusetts. *He* called for 4,000 barrels of flour and two full cargoes of rice.[43]

It was obvious to both Gallatin and Jefferson what was taking place. Pressure had been brought to bear on the two Governors to issue these certificates, and the cargoes were heading elsewhere than to the states whose necessities were claimed to be so imperative.

Yet tact had to be employed. Sullivan, for instance, was a Republican and the sole survivor of the debacle in his state. Jefferson therefore wrote him delicately that he felt the proposed shipments of food were far beyond the actual needs of his state. "I have thought it advisable to ask the favour of Your Excellency, after the receipt of this letter, to discontinue issuing any other certificates, that we may not unnecessarily administer facilities to the evasion of the embargo laws." However, if Sullivan would furnish Jefferson with data showing what was actually required over the supplies on hand, the latter would see to it that Massachusetts suffered no hardship.[44]

But Sullivan knew the temper of his state. "You may depend on it," he warned Jefferson in return, "that three weeks after these certificates shall be refused, an artificial and actual scarcity will involve this State in mobs, riots, and convulsions, pretendedly on account of the embargo. Your enemies will have an additional triumph, and your friends suffer new mortifications." [45]

Sullivan's frank warning, together with Gallatin's equally frank speaking and the reports that flooded him from all sides, should have given Jefferson pause. The Embargo could not be enforced in the face of popular disapproval, opposition, evasions and downright revolt any more than the

much later Prohibition Amendment could be. Yet he persisted stubbornly in the face of all signs and portents, and wrote angrily to Dearborn, then in Maine, that he was removing recalcitrant collectors, that Sullivan "is not up to the tone of these parricides, and I hope on the first symptom of an open opposition of the law by force you will fly to the scene, and aid in suppressing any commotion." [46]

Jefferson realized only too well, however, that a state of embargo that paralyzed the economy of the nation could not be protracted indefinitely. War would be preferable to such life-in-death inaction, He suggested therefore that the American envoys abroad propose to France and England that they remove American ships from the force of their decrees and to drop discreet hints that, if they did not, war might follow.[47]

But both proposals and implied threats fell on deaf ears. Nor was Pinkney's report from London encouraging. While it was true, he said, that the embargo and the loss of American trade had been deeply felt by the English merchants, neither was "decisive," and he underscored the word so that the home administration would be under no illusions.[48]

Yet Jefferson persisted in his course, clinging to the hope that the nations abroad would yield before disaster struck at home. While memorials, protests and angry mail, including even threats of assassination, continued in unabated flood, he was certain that a party was springing up in his favor in England. "If we can weather war at this crisis," he wrote, "I think we shall enjoy a long career of peace." [49]

There was also revolt in his own Cabinet. Aside from Madison, hardly a member supported him wholeheartedly in this venture. Robert Smith was especially bitter. While obeying instructions like a good lieutenant, he nevertheless exploded to Gallatin: "Most fervently ought we to pray to be relieved from the various embarrassments of this said embargo. Upon it there will in some of the States, in the course of the next two months, assuredly be engendered monsters. Would that we could be placed upon proper ground for calling in this mischief-making busybody"—that is, the embargo.[50]

Limited insurrections broke out in the affected areas, reminiscent of the pre-Revolutionary days and the exploits of the "Sons of Liberty." Only now the shoe was on the other foot. The Canadian border was aflame, with local enforcement officials either in sympathy with the armed smugglers or afraid to combat them with force. Governor Sullivan of Massachusetts persisted in using the certificates of necessity to enable traders to evade the laws, and evoked an angry statement from Gallatin that his certificates ought no longer to be honored.[51] At Newburyport, in spite of gunboats and naval vessels, an armed mob overawed the customs officers and protected the sailing of vessels from that port in defiance of the embargo.[52]

But the more evidence that accumulated of palpable insurrection in New England, the more Jefferson was convinced it was instigated by the ex-

treme Federalists. They were playing a madman's game, he declared bitterly, to prove to England that if she would but hold out, the United States must yield.[53] But if the Federalists were mad, so was Europe. The whole continent, he exclaimed, was "a great mad-house, & in the present deranged state of their moral faculties to be pitied & avoided. There is no bravery in fighting a Maniac." [54]

A British traveler, viewing the port of New York during this period, has left a grim description of the effects of the embargo in a place where it was being strictly enforced:

> The port indeed was full of shipping, but they were dismantled and laid up; their decks were cleared, their hatches fastened down, and scarcely a sailor was to be found on board. Not a box, bale, cask, barrel, or package was to be seen upon the wharves. Many of the counting-houses were shut up, or advertised to be let; and the few solitary merchants, clerks, porters, and laborers that were to be seen were walking about with their hands in their pockets. The coffee-houses were almost empty; the streets, near the water-side, were almost deserted; the grass had begun to grow upon the wharves.[55]

CHAPTER 63

Embargo's End

BY the beginning of August, 1808, Gallatin openly threw up his hands. "The embargo is now defeated . . ." he exclaimed to Jefferson, "by open violations, by vessels sailing without any clearances whatever; an evil which under the existing law we cannot oppose in any way but by cruisers." [1] Even though Smith was giving orders for the use of the navy, both Gallatin and the Secretary of Navy were equally gloomy over the entire picture. New York harbor might be shut up, but every other port blazed with revolt.

In all the welter of defiance, disobedience and complaints from Federalists and Republicans alike, only a single and unexpected affirmative support came to the harried President. William Plumer of New Hampshire, who had left the Senate to become Governor of his native state, and who was shifting from the Federalist party to the Republican, sent him a heartening message not only of approval for the embargo, but expressing the hope that New Hampshire would return a group of well-wishers to Congress in the next election.[2] But one swallow does not make a summer.

Jefferson was at the time on vacation at Monticello, and was discovering that his beloved Virginia was in almost as great a ferment as Federalist New England. The Embargo had hit the agricultural states as hard as the mercantile ones; an effect he had not anticipated. Tobacco had become practically worthless, and the warehouses were bulging with the year's crop. Wheat had fallen precipitously from a former two dollars a bushel to a mere pittance of seven cents. Land values were being swept away, and those planters who had counted themselves rich now found themselves with useless assets on their hands and a mountainous pile of debts.

Even Wilson Cary Nicholas, most faithful of Jefferson's supporters, was beginning to wonder. "If the embargo could be executed and the people would submit to it," he told Jefferson tactfully, "I have no doubt it is our wisest course; but if the complete execution of it and the support of the people cannot be counted upon, it will neither answer our purpose nor will it be practicable to retain it." [3]

Monroe, still smarting under the insults he fancied had been heaped upon him and ambitious for the Presidency, was practically in the opposition. "We seem now to be approaching a great crisis," he told Nicholson glumly. "Such is the state of our affairs, and such the compromitment of the Administration at home and abroad by its measures, that it seems likely that it will experience a great difficulty in extricating itself. . . . We are invited

with great earnestness to give the incumbents all the support we can,—by which is meant to give them our votes at the approaching election; but it is not certain that we could give effectual support to the person [Madison] in whose favor it is requested, or that it would be advisable in any view to yield it.... After what has passed, it has no right to suppose that we will, by a voluntary sacrifice, consent to bury ourselves in the same tomb with it." [4] In other words, Monroe was a candidate, and ready to avail himself of the administration's mistakes.

To add to Jefferson's difficulties a report came from Baltimore that Robert Smith, his Secretary of Navy, had openly declared that only the President and Madison supported the Embargo in the Cabinet, that all the others were opposed.[5] The fact was true, but Jefferson could not permit such public gossip of dissension in the Cabinet to go unchallenged. He therefore denied the story as a Federalist plot. "The administration was never more unanimous than in the recommendation of the embargo," he asserted, "every member being present & concurring, and no one more cordially than mr Smith." [6] This may have been technically true, but skillfully evaded the real point—that the Cabinet *now* was divided on the subject. When Smith returned from Baltimore, Jefferson evidently had a private talk with him; for, with election in the offing and Congress shortly to be convoked, Smith suddenly changed his tune. He now wrote a letter to the President demanding the immediate recall of our ministers to France and England, and that Congress "suspend all commercial intercourse whatever with the two Belligerents." [7] The letter was obviously destined for public consumption.

Jefferson was truly aghast at the situation in which he found himself; yet he was determined to see it through; straining, if necessary, the Constitution itself to enforce the measure into which he had entered so optimistically. "This embargo law," he wrote Gallatin from Monticello, "is certainly the most embarrassing one we have ever had to execute. I did not expect a crop of so sudden & rank growth of fraud & open opposition by force could have grown up in the US. I am satisfied with you that if orders & decrees [of France and England] are not repealed, and a continuance of the embargo is preferred to war (which sentiment is universal here), Congress must legalize all *means* which may be necessary to obtain its end." [8]

To obtain the repealer from France and England was now his solitary hope for extricating himself. He read an optimism that did not exist into a letter from Pinkney to the effect that he would shortly have a conference with Canning. "If they repeal their orders," Jefferson commented, "we must repeal our embargo. If they make satisfaction for the Chesapeake, we must revoke our proclamation, and generalize its operation by a law. If they keep up impressments, we must adhere to non-intercourse, manufactures & a navigation act." [9]

Canning, however, dashed all these hopes. On the other hand, Napoleon

seemed to be offering dulcet words and an alliance to Armstrong in Paris. He even suggested to the American Minister that should the United States make war on England, he would view with benevolent approval the dispatch of our troops into Florida to "aid" Spain in repelling a British attack, and might be willing to intervene with Spain to obtain the cession of the Floridas.[10]

Armstrong, however, had become justifiably sceptical of Napoleon's promises. "With one hand they offer us the blessings of equal alliance against Great Britain," he reported to Madison; "with the other they menace us with war if we do not accept this kindness; and with both they pick our pockets with all imaginable diligence, dexterity, and impudence." Let us select our enemy, he continued plainly, be it either France or England, but "in either case do not suspend a moment the seizure of the Floridas." [11]

Actually, Jefferson required no prodding from Armstrong. His eye was always fixed on the Floridas. By August, in the midst of unimaginable difficulties, he was considering those eventualities in which he might safely occupy Louisiana to the full limits we claimed, and gather up the Floridas in the process. Keep this in mind, he instructed Secretary of War Dearborn, in "stationing our new recruits & our armed vessels so as to be ready, if Congress authorizes it, to strike in a moment." [12]

At that moment, however, we were much more likely to go to war with either France or England than with Spain. In his desperation, Jefferson scanned the European skies for possible allies, and found Russia. He sincerely believed Alexander I to be that strange anomaly, a benevolent and philosophic Emperor. Why not, then, send a secret mission to Alexander for aid against the oppressive Powers?

His protégé, William Short, was now in the United States and at rather loose ends. To Short, therefore, Jefferson offered the mission, but exhorted him to be "secret as the grave" about it. Let him "huddle up" his affairs, and state publicly he was returning to France. He was to go to Russia as soon as Congress approved.[13]

But time was of the essence and perhaps the Senate might not approve. On reconsideration, Jefferson decided to send him before Congress reconvened, and called Madison to Monticello to draft the necessary instructions. The most important object of the mission, however, could not be embodied in the formal documents. This was, he explained to Short, to engage Alexander's services at any future peace table "to patronize our interests there, so as the benefit of the maritime rights which shall then be settled, may be extended to us, & nothing plotted to sacrifice us by France or England, neither of which wish us success." [14]

A letter was drafted, addressed to Alexander, announcing Short's appointment as minister plenipotentiary, and filled with the most fulsome flattery of the "great and good friend and Emperor." [15]

Short wound up his affairs and sailed for France, where he cooled his

heels for months seeking some method of getting to Russia. Meanwhile, Congress had met in session, and Jefferson decided to regularize his *fait accompli* by submitting the nomination to the Senate. It was the last of his official communications as President of the United States to that body. The Senate, however, saw no reason for the mission and refused to confirm the appointment, much to Jefferson's dismay. Poor Short was therefore left stranded, and all his travels and mortifications fruitless.[16]

Another of Jefferson's attempts to aid a friend, though this time on a private scale, similarly ended in frustration. This referred to the long-continued case of the indigent John Page. That boyhood friend had been appointed by him to the post of Commissioner of Loans for Virginia; but his health was now failing rapidly and he was unable to take care of even the nominal duties entailed. Jefferson therefore made the astonishing proposal that the office be transferred to Page's son, Francis, "*for your use*, with an understanding that it should afterwards continue with him for the *benefit of the family*. Or would you rather," he inquired of Page, "retain it in your own name, during your own life, with the probability ... that he will succeed you for the same *family benefit?*" [17]

Page was on what then seemed to be his deathbed, and was duly grateful for the offer of a vested family interest in the office. But there was an unexpected snag. His son, Francis, was *not* as grateful, and refused the office on the proffered terms. Whereupon a friend, one Thomas Taylor of Richmond, came forward with a proposition to accept the post and pay over the full salary to Page's family. Unfortunately, commented Jefferson's informant on these devious maneuvers, Taylor was a *Federalist* and, to make matters worse, had given bail for Aaron Burr during his several trials. If, therefore, Jefferson thought his appointment politically inexpedient, there was Benjamin Harrison, a very young man but a sound Republican, to whom the job could be given. But Taylor, the Federalist, would do the work, and the money would go to the Pages.[18]

Page himself wrote in a quavering hand that he would rather the post went to a friend than to "any *Son* I have." He was extremely bitter against all of them, and accused one in particular, Mann Page, of plotting to claim the family estate on his father's death, and make the rest of the family helplessly dependent on *him*.[19]

Faced with this complicated mess, Jefferson agreed to appoint the very young, but very sound Republican, Benjamin Harrison, to the office on the terms indicated, and so informed Gallatin, to whose Department it pertained.[20] Gallatin rather unwillingly acceded, but pointed out certain patent facts. "I certainly cannot object to B Harrison's appointment if you do not," he replied. "I know nothing of his qualifications, and you understand how far the humane ground of his appointment may be viewed & avowed in Virginia. Will it produce any bad effect at this critical moment?" [21]

Nevertheless, Jefferson insisted on his humane, if decidedly reprehensible endeavor. But Gallatin had truly foreseen the consequences. A "Quid" paper in Virginia, the *Spirit of '76*, got wind of the complicated business and published it to the world with appended "malicious" comments.[22]

These were sufficient, when the nomination finally came before the Senate, to cause it to be negatived; though Jefferson sought by private interviews with a number of Senators to obviate the objections to the "deal." He refused to accept this defeat, and kept up his efforts for Page to the bitter end, yielding finally to the termination of his own tenure in office and then seeking Madison's aid to do what he himself had been unable to do. "If," he suggested to St. George Tucker, the mediator in the negotiations, "you could find any other unexceptionable character, republican, who has the same dispositions with mr Harrison, & the secret can be kept, the blot may yet perhaps be covered." [23] Actually, it never was; for Madison prudently declined to commence his administration with such a shady transaction.

When Congress convened early in November, 1808, it was indeed in a grim mood and with the feeling that Jefferson had unduly extended his powers in many directions. Even among the Senate Republicans, where his sway had been undisputed for so many years, and where there was no John Randolph to stir up trouble, this new tendency was plainly evident. It is true that an outgoing President always loses in political influence; but there was more to it than that. Even in such personal requests as the appointments of Short and Harrison, the Senate kicked over the traces and administered a decided rebuke to the hitherto sacrosanct President. As John Quincy Adams commented in connection with the rejection of Short: "It indicated the termination of that individual personal influence which Mr. Jefferson had erected on the party division of Whig and Tory." [24]

It was more than mere party division, however. The country was in a turmoil and quasi state of insurrection over the Embargo Act, and the politicians, aside from their own private doubts, were peculiarly sensitive to the discontents of their constituents. Such an item as was reported from Richmond by Jefferson's erstwhile secretary, William A. Burwell, disclosed the current state of mind even in Virginia. A Richmond newspaper printed a rumor that the Embargo was about to be lifted, and the price of tobacco promptly skyrocketed from almost nothing to eight dollars. Jefferson's own crop was sold by his agent at that figure. But the price immediately thereafter fell as the rumor proved to be ill-founded. Burwell therefore urged Jefferson, as a matter of political expedience, to release his purchaser from the contract. Jefferson refused to do so.[25]

Both Gallatin and Madison agreed that, "considering the temper of the legislature," it was essential that Jefferson point out to Congress "some precise and distinct course" for them to take. Gallatin could not make up

his mind whether that course should be to continue and enforce the Embargo or to go to war. He therefore asked that Jefferson make the final decision.[26]

Madison, now firmly assured of election to the Presidency, adopted a similarly equivocal position; though there were hints that he might be ready, if driven to it, to adopt war as the ultimate solution.

But Jefferson refused to speak up. His policies had come to such an impasse that he was only too happy to seize the excuse of his impending retirement to throw the entire problem into the lap of Congress and of his successor. He was later to offer his ostensible reasons for a "do-nothing" policy to his old friend, Dr. Logan.

> I have thought it right to take no part myself in proposing measures the execution of which will devolve on my successor. I am therefore chiefly an unmeddling listener to what others say.... As the moment of my retirement approaches I become more anxious for its arrival, and to begin at length to pass what yet remains to me of life and health in the bosom of my family and neighbors, and in communication with my friends undisturbed by political concerns or passions.[27]

It was with this readiness to avoid final responsibility that Jefferson drafted his last Annual Message to Congress. He regretted, he said, that he could not tell them that the Embargo had been suspended—as he had been given power to do—because the belligerent Powers had revoked their "unrighteous edicts." Therefore the Embargo had continued. Nor had the *Chesapeake* affair been settled. Some 103 gunboats, he continued, had been built during the year, which he thought were sufficient for defense. But he did hope—and again this was one of his pet measures—that a "well-organized and armed militia" would be instituted.

The situation into which we had been forced by the suspension of commerce, he asserted, "has impelled us to apply a portion of our industry and capital to internal manufactures and improvements. The extent of this conversion is daily increasing, and little doubt remains that the establishments formed and forming will—under the auspices of cheaper materials and subsistence, the freedom of labor from taxation with us, and of protecting duties and prohibitions—become permanent."

Jefferson, in consonance with his steady drift toward a strong stand on domestic manufactures, had been even more positive in his original draft, but had yielded to Gallatin's insistence that it be watered down.[28]

He ended this most unsatisfactory Message on a more agreeable note. Finances were in an excellent condition; the public debt was almost paid off, and revenue surpluses were steadily accumulating. Should not these, he inquired, be applied to the improvement of roads, canals, rivers and education, "under the powers which Congress may already possess, or such an amendment of the constitution as may be approved by the States?" [29]

Not a word of the deplorable economic state of the country, of the

armed resistance to the Embargo, of the threat of certain Federalists to break up the Union, of the fact that if there were surpluses in the Treasury, they might shortly have to be put to more ominous and destructive uses than the praiseworthy projects he envisaged.

In the Senate, that portion of the Message which related to the Embargo was placed in the hands of a committee headed by Giles. The following day, one of the committee members, Hillhouse of Connecticut, introduced a motion to repeal it in its entirety. Debate commenced on November 21st and raged for almost three weeks. Hillhouse, one of the little band of extreme Federalists, insisted that the Embargo was of no effect against France and of negligible effect against England. The only harm that was being done was to American citizens. What worse damage could come to us by war, he demanded, than by this embargo which pretends to obviate it?[30]

But Giles defended the Embargo with vehemence. He quoted the Liverpool Prices Current for September to prove that England was already feeling the pinch. That Bible of the traders declared that the grain market was "very dull," prices were high, "good sweet American flour is not to be had in this market," the stock of tobacco on hand was "becoming limited," and cotton speculation was at a new high because "our total imports are inadequate to one-half the usual monthly consumption."[31] It was an extended, powerful speech, bristling with facts and figures, and made a profound impression on the wavering Republicans.

So great, indeed, was the effect of Giles's rebuttal that when the repealer came up for a vote on December 2nd, only 6 votes could be mustered for it, with 25 in the negative. With this overwhelming triumph, Giles was able to report out two bills, one for the better enforcement of the Embargo and the other for placing the navy into active service against violators.

In the House, a somewhat similar procedure was followed. Chittenden offered a repealer, while John G. Jackson called for the counterpart of Giles's enforcement acts. A flood of petitions for repeal poured into both Houses and were solemnly placed on record by the Federalist members. Motions for partial repealers and compromise measures served further to complicate the picture; but finally all were laid over and the Senate bill was approved with some amendments on January 6, 1809, by a vote of 71 to 32.[32]

Then Giles sprang a surprise; introducing a compromise measure to repeal the Embargo against all countries *except* France and England; but adding more stringent provisions against the outlaw two that prohibited all commercial intercourse and the importation of any articles grown or produced by them, and the interdiction of all armed foreign ships in American waters. This was passed in the Senate on February 21, 1809, agreed to in the House, and became law on February 28th.[33]

Giles's surprise move was an attempt at conciliation and, as he acknowledged, represented a great concession on the part of the administration. It purported, by opening the ports to trade with other countries, to find outlets for American shipping and commerce; while at the same time it tightened all controls against the two great offenders. Unfortunately, with England policing the seas, few ships were able to slip through the cordon to gain the benefits of that neutral trade.

Jefferson knew exactly what was going on and, indeed, had been the main architect of Giles's strategy. On November 22nd, he wrote his eldest son-in-law about the situation in Congress, and expressed his opinion that it would be wiser to leave the fundamental question of war or embargo uncommitted as long as possible, so as to weaken the war party by the mere lapse of time. Several weeks later, he outlined the substance of the resolution for partial repealer that Giles introduced almost two months later.[34]

The President's hand can indeed be traced in all the legislation of this period. His views on many matters were changing, not so much as a result of any change in philosophy as of a practical acquiescence in the exigencies of the occasion. One such view had related to the advisability of domestic manufactures. As a necessary corollary, he was now willing to place protective duties on certain articles; and asked Gallatin to draft the requisite bill.[35]

The shift in the President's views evoked a strong protest from John Taylor of Caroline, whose Republican principles were rigid, theoretic and not subject to change. Both nonintercourse and embargo have failed, he insisted. So did "the incitement to a manufacturing spirit" in earlier days. He considered the United States as an agricultural nation, and as such it would grow rich as it had in the past. Protective duties were anathema; they were not only unconstitutional but opposed to every sound republican principle.[36] But Jefferson paid no attention to the jeremiads of the Old Guard Republican and proceeded with his program.

To make a public display of his new devotion to domestic manufactures, Jefferson ordered from a Connecticut tailor a suit of the finest domestically woven cloth, preferably in a deep blue. "Homespun," he wrote, "is become the spirit of the times: I think it an useful one and therefore that it is a duty to encourage it by example." That example he intended to produce at "our new year's day exhibition when we expect every one will endeavor to be in homespun, and I should be sorry to be marked as being in default." In order to get the suit in time, however, he was compelled to accept material of an inferior grade; though even that cost him $4.50 a yard.[37]

If Jefferson was being vindicated in Congress on all major issues, with certain dissident Republicans disclosing their resentment only in minor matters, New England was being prepared for an eventual secession from

the Union. Timothy Pickering, the Essex Junto, Uriah Tracy, James Hillhouse and others were working unweariedly to that end.

Pickering was, as usual, the bellwether. Resolutions began to come with suspicious unanimity from certain strong Federalist townships. Bath, in the Maine District, led the way on December 27, 1808, with a series of resolutions calling on the General Court of Massachusetts to take "immediate steps for relieving the people, either by themselves alone, or in concert with other commercial states"; and calling for committees of correspondence to watch over their safety and for defense against any infringement of their "rights" committed "under color and pretence of authority derived from any officer of the United States." [38]

This was revolutionary language, reminiscent of and deliberately intended to imitate the measures preceding the Revolution. Ironically, it was also reminiscent in tone and phraseology of the Kentucky Resolutions and the ensuing proceedings of the *Republicans*.

The Bath resolutions were speedily copied in other New England communities; some in almost identical language, others in more moderate tones. Gloucester, Plymouth, Newburyport, Hampshire County and others followed suit; while a great meeting held in Boston on January 23rd and 24th at Faneuil Hall, cradle of American liberty, passed a resolution that "we will not voluntarily aid or assist in the execution" of the Enforcement Act, and that all who did "ought to be considered as enemies to the Constitution of the United States and of this State, and hostile to the liberties of this people." [39]

When the Massachusetts legislature met, a strong effort was made by the Federalists to confirm these inflammatory resolutions as the general policy of the state. Sullivan had died, and Levi Lincoln, Jefferson's former Attorney General, was now Governor. The legislature itself was Federalist in complexion; yet what finally emerged was much more moderate than the extremists had hoped for, due in large part to the influence of such level-headed Federalist leaders as George Cabot, Samuel Dexter and Harrison Gray Otis. Otis, however, was willing to call a convention of the commercial states, preferably at Hartford, to declare the Embargo and its subsidiary measures unconstitutional, and to obtain "some mode of relief that may not be *inconsistent with the union of these States*, to which we should adhere as long as possible." [40]

In Connecticut, Governor Jonathan Trumbull convened the legislature in special session to follow Massachusetts' lead. To a request from Secretary of War Dearborn for militia aid to the national Collectors, he tartly replied that he considered the Embargo unconstitutional and would therefore decline to assist its enforcement in any way.[41] Which was good Jeffersonian doctrine of an earlier period, and which the Federalists never tired of flinging back into his face.

Jefferson took bitter cognizance of the fact that "the monarchists of the North (who have been for some time fostering the hope of separation)

have been able to make so successful use of the embargo as to have federalized the 5. eastern states & to endanger N. York, and they mean now," he added, "to organize their opposition by the regular powers of their state governments." With this in mind, and to save the Union, he set forth his own strategy. "A bill will be brought in tomorrow," he wrote on January 2nd, "for convening Congress about the middle of May. It will be of course that in the debate members will declare the intention to be then to take off the embargo & if the belligerent edicts be not repealed, to issue letters of marque & reprisal. This will let Europe see that our purpose is war, while not expressing it authoritatively. It will not engage their pride to persevere; at the same time it would quiet our own people by letting them see the term when the embargo is to cease." [42]

What is particularly interesting about this important letter is the evidence of Jefferson's active guidance of Congressional measures and even the nature of their debate.

The timing of this program, though not its content, was changed by force of circumstances. On January 30, 1809, Wilson Cary Nicholas moved in the House to repeal the Embargo Act by the 1st of June and to authorize on that day the issuance of letters of marque and reprisal; provided the British and French edicts and orders were still in force.

Jefferson saw no reason why the resolution should not be adopted by a good majority; though he now hinted, to Monroe at least, that he was not in favor of it. He no longer took part in affairs, he proceeded disingenuously, "beyond the expression of an opinion," since he was close to retirement and "I think it fair that my successor should now originate those measures of which he will be charged with the execution and responsibility." [43]

But plans were upset by a sudden revolt in the House, headed, so Jefferson believed, by panicky New England and New York members, which advanced the date of repealer to March 4th.[44] So furious, indeed, was the uprising that even the codicil concerning letters of marque and reprisal was stricken out, leaving a bald, unconditional repealer on the books.

Jefferson forgot now his indisposition to take an active part in affairs, and exercised every ounce that remained of his waning influence. The House Republicans were called into caucus, and the party whip cracked. As a result the measure was reconsidered, and while the repeal date of the general embargo was allowed to stand, a return to nonintercourse with France and England was pushed through in its stead on February 27th, and was signed to become the law of the land on March 1, 1809.

The Embargo, after fifteen months of operation, was dead; but nonintercourse, as defined in the earlier law, remained. The experiment had been made, and was found wanting. Looking back on it, Jefferson was compelled to admit sadly that $50,000,000 of exports had been lost annually and that war would have cost only a third of that, "besides what might be got by reprisal." He saw therefore that war must follow as soon as Congress met

in May, *unless* the edicts were repealed before then.[45] It was only in later years that he felt impelled to defend the Embargo unreservedly and to insist that, had it been continued, it must have hit the mark.

Its effects were ruinous in the economic scene and palpable on the political. Madison had no difficulty in obtaining the Presidency; but the great Republican majorities of Jefferson's second election were deeply invaded by the Federalists in the returns for Congress. Nor were all the Republicans, particularly from the North, willing to follow a Presidential lead as submissively as in the past. New England had largely reverted to Federalism, and New York had verged precariously on the abyss. Discontent was rife, insurrection was barely around the corner, and the Constitution had been extended to the bursting point to justify dictatorial powers and measures by the national government as against individuals and even the States.

No wonder that Jefferson, on March 2nd, two days before his term expired, expressed a tremendous eagerness to drop the leaden mantle of responsibility. "Never did a prisoner, released from his chains," he wrote with profound pathos to his friend Dupont, "feel such relief as I shall on shaking off the shackles of power. Nature intended me for the tranquil pursuits of science, by rendering them my supreme delight. But the enormities of the times in which I have lived, have forced me to take a part in resisting them, and to commit myself on the boisterous ocean of political passions. I thank God for the opportunity of retiring from them without censure, and carrying with me the most consoling proofs of public approbation." [46]

That Jefferson's views on the interpretation of the Constitution had undergone a decided change during his term of office may best be indicated by his reactions to a proposal to extend the charter of the Bank of the United States after its expiration date. A petition from the stockholders to that effect had been introduced in the House on March 26, 1808, and was referred to a Committee of the Whole to determine the question of constitutionality *de novo*. A similar memorial to the Senate was referred to the Secretary of Treasury for his opinion. Gallatin's report was a year in the making, but when it was submitted on March 2, 1809, it paid tribute to the Bank's wise and skillful management, "considered as a moneyed institution." He even admitted that the national government had benefited from its operation and that State Banks could not perform a similar service. The only objection he found to renewal did not rest on any constitutional ground, but merely on the amount of stock held by foreigners; and this, he felt, was not serious.[47]

If the strict constructionist, Gallatin, said nothing about constitutionality, Jefferson mentioned it only in passing. In a private letter he declared that the Republican party had always denied the power of Congress to incorporate private institutions, but that the Bank had been incorporated on

the theory that it was an incident to the power of raising money. "On this ground it has been acquiesced in, and will probably be again acquiesced in," he added surprisingly, "as subsequently confirmed by public opinion." [48]

To such a tiny squeak had the epic struggle between Jefferson and Hamilton diminished.

Jefferson's thoughts now more and more moved from Washington to Monticello, his private concerns and matters of personal interest as the long awaited day of March 4th approached.

His finances, as always, engrossed a measurable part of his attention. "Nobody," he told his son-in-law with considerable feeling, "was ever more determined than I was to leave this place clear of debt." But alas, he was falling short by $8,000 to $10,000. To raise this sum he sought to sell some of his lands: part of the Henderson tract over which litigation still dragged, the famous Natural Bridge and even a part of his Bedford property.[49]

He had tried to get a bank loan from the Richmond Bank, but availed himself thankfully of a private loan which Abraham Venable offered him, with Venable as the endorser. Madison had also endorsed a note for him at the Bank of the United States, which was still partially unpaid after Madison assumed the Presidency. Nor did Jefferson know, he acknowledged ruefully, when it would be discharged.[50] In the end, he had to borrow a substantial sum from a rich widow to settle his Washington accounts.

What perhaps gave him even more concern was the discovery that a flock of supposed Merino sheep which he had imported at great expense from Spain some fifteen years before through the agency of Robert Morris, were not true Merinos. He had placed high hopes on this flock, as a means of improving the quality of wool in the country, and had offered lambs to his neighbors for similar propagation. Now, for the first time, he had some qualms about the wool, and sent samples to experts in Pennsylvania. The mournful news came back that the wool was inferior and that either the entire flock, or his prize ram, was spurious.[51]

His last days in Washington were clouded with financial difficulties, with the petty barbs directed at him by a resentful Senate, and the knowledge that he was leaving office under a sense of failure. Far better had his *congé* come after the purchase of Louisiana.

On March 4, 1809, James Madison was inaugurated as President of the United States. Jefferson declined to ride with him in a carriage to the Capitol. "I wished," he said, "not to divide with him the honors of the day. It pleased me better to see them all bestowed on him." He therefore quietly rode unattended to the Capitol and, so the story goes, hitched his horse to a post and walked up the stately steps.[52]

On March 11th, after arranging his affairs and packing his bags, he shook the dust of Washington from his feet, never to return.[53] Monticello beckoned, and that privacy for which his soul had panted.

CHAPTER 64

Ex-President Jefferson

IT was cold, blustery March weather as Thomas Jefferson, private citizen, rumbled out of Washington in his coach, piled high with baggage, with an extra horse for riding led by one of his servants. What his thoughts were at this end of an era cannot easily be determined. As the coach bumped along over half-frozen ruts or sank in places into the mud beneath, did they review the long years of service he was leaving behind or fix themselves wholly on the anonymity ahead? From the greatest man in the country—and, by some, the most hated and vilified—he had, in the short space of an hour, receded into the shadows and a new star had risen to become the cynosure of all eyes.

But whatever thoughts might have buzzed and swarmed in his mind, the weather and the excessively bad condition of the roads soon compelled him to concentrate on the journey itself. The coach slogged and slithered in the mud and he shifted to his horse. The skies grew sullen and a blinding snowstorm accompanied him on the last lap of his journey and enveloped his beloved mountain as he toiled up to the summit. Once before, on his wedding day, he had brought his bride home in a heavy snow; but the snow then was clean and his spirits had been young and eager. Now, it was wet and disagreeable, and he was old and alone. Nevertheless, as he reached the welcoming buildings, the blazing hearth and the bosom of his family, he could exult at least that his "*vis vitae*" was still unimpaired.[1]

Of his immediate family, his wife had long been gone, and the death of Maria was still an open wound. Only Martha remained, trailing behind her a brood of active children that swarmed all over the place. Maria's legacy was young Thomas Jefferson Randolph, on whose education his grandfather was to take considerable pains, and who later relieved him in turn of the general management of affairs.

The first few days in Monticello were devoted to settling himself in what was now to be his permanent abiding place, to receiving the welcome-home addresses of his neighbors and the more distant and more formal, but still gratifying, adulations that poured in from all over the country.[2] The Republicans knew they had lost their greatest leader, and some of them were uneasy over the new chief who had taken his place. It is true the Federalists shed no tears over his passing, but they obtained no satisfaction over the thought of four years or more of Madison.

There were other notes as well. Mingled with sorrow at his passing, and deftly interwoven in the strands, were solicitations that Jefferson exercise

his undoubted influence with the new President to place the writers in some warm and comfortable government office with the accompanying perquisites. So enormous was this mail, and so persistent the writers, that Jefferson was compelled to print up a broadside for general distribution, announcing it as a fixed rule that he would not submit applications or make recommendations to the President or a government official on behalf of anyone.[3] He tried to stick to his self-imposed rule, but had to break it on occasion, as the pressure became extreme or old friends were involved.

Jefferson found his personal affairs in considerable disorder. His finances, of course, were in their usual parlous state; and he had to borrow $8,000 from Mrs. Tabb of Amelia on a personal note in order to be able to leave Washington in at least a semisolvent position.

He even had to get an endorsement from Madison for one of his notes, and this now had to be renewed. The balance of his Washington debts was transferred to Virginia, where he optimistically hoped some day to pay them off from the income of his estates. He estimated that Bedford brought him in $2,500 net profit a year; and if only he could limit his expenses at Monticello, that income, in addition to the sale of some outlying lands, might be sufficient to meet his outstanding obligations.[4] Actually, they never did.

He viewed his new management and farming duties with mingled eagerness and hesitation. "My whole life," he acknowledged to his son-in-law, "has been passed in occupations which kept me from any minute attention to them [his farms], and finds me now with only very general ideas of the theory of agriculture, without actual experience." He was therefore only too grateful to Thomas Mann Randolph for his offer of aid and counsel.[5]

Fortunately, he had an excellent overseer on the premises, one Edmund Bacon, who had come to Monticello at the end of 1801 and was to remain with him for twenty years. Even more fortunately, Bacon later reminisced concerning Monticello and its master, and we are indebted to him for many illuminating—though sometimes prejudiced—insights.

Bacon thought that Jefferson's lands, comprising some 10,000 acres, and divided into the four plantations of Tuffton, Lego, Shadwell and Pantops, were not profitable; the ground was too uneven and hard to work. Each plantation had its own Negro quarter and a white overseer to manage it. At Monticello, built underground, were the cisterns, ice house, cellar, kitchen and storerooms. At right angles from the main house were two terraces, underneath which lay on one side the servants' quarters, on the other, the stables. The grounds in front were ornamented with flowers, shrubs and walks; while the rear had been graded and seeded into an open lawn. The gardens, planted with vegetables, grapes and figs, descended in concentric terraces on the sides of the mountain, with roads and paths winding gracefully through.

When Jefferson traveled, it was always with four horses to his carriage,

and a fifth one as a mount for himself when he tired of the jouncing enclosure. His favorite horses bore a curious mixture of names—Diomede, Brimmer, Tecumseh, Wellington and Eagle.

Bacon admired his master intensely. He saw him "straight as a gunbarrel," strong and wiry, blue-eyed, and with a clear, pure skin. Jefferson would rise at daybreak or before, take an early morning walk on the terrace, make his own fire in his room, and then ride out at 9 A. M. every day for a tour of his plantations. In spite of the general testimony as to Jefferson's sloppiness of dress at Washington, Bacon declared that at home he dressed neatly and his shoe buckles were always bright and polished. He never used tobacco or played cards; nor did he dance. He preferred the flesh of other animals and of fowl to the almost universal hog meat that was the staple of Virginia households.

Martha Randolph, his daughter, who took over most of the housewifely duties, also elicited the overseer's approval. She was, he said, much like her father; tall, blue-eyed, with a clear, bright complexion and an unruffled temper. Both she and her father regularly hummed a tune as they rode. Of her husband, however, Bacon had considerable reservations. Thomas Mann Randolph was, he reminisced frankly, "a very eccentric man," who was given to sudden wild spurrings of his horse through a harvested wheat field, so that the flying hooves scattered the neat shocks of grain in all directions. Later on, Thomas Mann went insane, and his temper became ungovernable. He would thrash his grown son, Jefferson Randolph, with a cane, and knock down his son-in-law, Charles L. Bankhead, with an iron poker. But Bankhead, admitted Bacon, deserved whatever treatment he got. Married to Anne Randolph, he soon showed himself to be a drunkard, and had once lunged with a knife at his brother-in-law.[6] Of Thomas Mann's mental condition we shall hear more later; he was to become a grievous burden and a trial both to his wife and his father-in-law.

Jefferson himself was proud of his activities. He was "occupied constantly out of doors from an early breakfast to a late dinner every day," he told his Washington factor. "Writing, as with other country farmers is put off to a rainy day.... The total change of occupation from the house & writing table to constant emploiment in the garden & farm has added wonderfully to my happiness. It is seldom & with great reluctance I ever take up a pen. I read some, but not much." [7]

To achieve this total absorption in his new-found duties, Jefferson discontinued all newspapers except purely local ones. "I shall give over reading newspapers," he declared to Levi Lincoln. "They are so false & so intemperate that they disturb tranquility, without giving information." [8]

But Jefferson could not cut himself off from the world in which he had played such an enormously important role as easily as he first thought. He was barely installed in Monticello when he was already offering Madison advice in his new office. War must be avoided, he warned, if it is at all

possible. "I know no government which would be so embarrassing in war as ours," he added. "This would proceed very much from the lying and licentious character of our papers; but much, also, from the wonderful credulity of the members of Congress in the floating lies of the day." He feared also that with a state of war Congress might decide to remain in permanent session.[9]

A little later he was pondering economic matters with another correspondent. "An equilibrium of agriculture, manufactures, and commerce, is certainly become essential to our independence," he asserted. "Manufactures, sufficient for our own consumption, of what we raise the raw material (and no more). Commerce sufficient to carry the surplus produce of agriculture, beyond our own consumption, to a market for exchanging it for articles we cannot raise (and no more). These are the true limits of manufactures and commerce. To go beyond them is to increase our dependence on foreign nations, and our liability to war." [10]

And still a little later, he was back with more advice to Madison. While expressing pleasure at the news that the clouds of war with England seemed to have rolled safely by, he was not so pleased to hear that an envoy was on the way to attempt a treaty with the United States. His fierce suspicion of England flared once again. "They never made an equal commercial treaty with any nation," he exploded, "& we have no right to expect to be the first." Their method was to try "whipping us into a treaty. They did it in Jay's case; were near it in Monroe's, & on failure of that, have applied the scourge with tenfold vigor, & now come on to try its effect." The form of Jay's treaty, he continued bitterly, "will for ever be a millstone round our necks unless we now rid ourselves of it, once for all."

Then, forgetting his determination to have no more to do with politics, he entered into a long discussion of American relations with France and Spain. Napoleon, no doubt, would give us the Floridas in return for concessions. But we could take them ourselves without strings "in the first moment of the first war." Cuba, he acknowledged, might be a better offer; and Jefferson would "immediately erect a column on the Southermost limit of Cuba & inscribe on it a ne plus ultra as to us in that direction. We should then have only to include the North [Canada] in our confederacy, which would be of course in the first war, and we should have such an empire for liberty as she has never surveyed since the creation." But, he warned, we should never accept any accessions of territory that would require a navy for their defense. Cuba, he felt, could be defended without one.[11] For all Jefferson's disclaimers, this was assuredly an imperial program of expansion and conquest.

Monroe came to visit Jefferson; and the latter was pleased to find him once more "sincerely cordial" and divorced from the "junto" at Richmond headed by John Randolph.[12]

Meanwhile the advice to Madison rolled on. Even though England seems to be changing her policy toward us, wrote Jefferson, let us keep enough

of the nonimportation law "to pinch them into a relinquishment of impressments" and "to support those manufacturing establishments which their orders, and our interests, forced us to make." [13] In other words, nonimportation was to be used not merely as a retaliatory weapon, but as a method for protecting infant industries. As a means of protection, nonimportation was naturally much more effective than even the highest tariff.

What Madison thought of this constant stream of advice and exhortations from the retired President is another matter. He listened quietly and respectfully, but usually failed to comment. He had ideas of his own and, as he grew accustomed to his office, went largely his own way. Only on certain great occasions did he seek the advice of the elder statesman of Monticello.

Yet Jefferson continued to offer his views, even when unasked; though loyally upholding the hands of the new administration. He generously gave Madison credit for a share in the policies of his own administration. "Our principles were the same," he said, "and we never differed sensibly in the application of them." [14]

In spite of his vehement protestations that he was living the life of "a country farmer" and had little time for books, intellectual interests or correspondence, Jefferson could no more refrain from these—as well as politics—than from breathing.

He subscribed to Philip Freneau's new book of poems, and sought subscriptions for him in his neighborhood; though he found his neighbors not a reading crowd, especially when it came to poetry.[15] To encourage a taste for literature, he thought of establishing "a small circulating library in every county, to consist of a few well-chosen books, to be lent to the people of the country, under such regulations as would secure their safe return in due time." [16] Nothing, unfortunately, came of the idea.

Most of Jefferson's effects, accumulated during his long years at Washington, had been shipped home by water. In one of the trunks was his great collection of Indian vocabularies, representing thirty years of diligent inquiry. He hoped, by a comparison of the fifty-odd languages, to be able to trace the common ancestry of the Indians and their point of origin. But tragedy befell him. While the boat was sailing up the James, a thief stole the trunk under the impression that its contents were valuable in the monetary sense. On opening it, however, he found that they consisted only of bulky manuscripts. In disappointment and disgust, he threw them into the river. Some few sheets later floated ashore; but they were so caked with mud and sodden with water as to be practically illegible. The thief was eventually caught, and brought to trial. So enraged was Jefferson at this end to his years of assiduous toil and his dreams of a new theory of the Indians that he hoped the culprit would be hanged. "Some such example," he exclaimed, "is much wanting to render property waterborne secure." [17]

Another of Jefferson's aims was also doomed to disappointment—that Virginia would some day build a public university. While that hope still flickered, he intended to bequeath his own library to the institution. With that gone, he proposed instead that Congress establish a university in Washington. Dupont, who had written for him such an elaborate treatise on education, might, so he informed Madison, be willing to become its first president or even a mere professor.[18]

Lafayette, from Paris, sent him news which ought to have excited him greatly. Destutt Tracy, whom Jefferson conceived to be the greatest political and social philosopher of his age, if not indeed of all time, had a plan for publishing some anonymous observations on Montesquieu's famous *Spirit of the Laws*. To further obscure his own identity, however, Tracy wished to ascertain if Jefferson would have his manuscript translated into English and printed by an American press as the work of an American. This in turn would supposedly be retranslated into French, and on that basis published on its native shores.[19] The reason for this devious and circuitous route was Tracy's well-founded fear that the liberal views he expressed in the work might get him into trouble with Napoleon.

Oddly enough, Jefferson did not reply to this request nor did he answer other letters from Lafayette; in the end evoking a bitter reproach from his friend of former years.[20] This time Jefferson broke his long silence with the statement that he had nevertheless been attentive to Lafayette's complicated affairs in New Orleans. "Old men do not easily contract new friendships," he wrote with dignity, "but neither do they forget old ones. Yours & mine commenced in times too awful, has continued thro' times too trying & changeful to be forgotten at the moment when our chief solace is our own recollections."

As an explanation for his silence, he gave the usual excuse that "I am now on horseback among my farms from an early breakfast to a late dinner, with little regard to weather. I find it gives health to body, mind & affairs. I go to my writing table with great reluctance & only for those calls which cannot be put off to morrow." What is the use, he queried, of contemplating the European scene "of murder, rapine, devastation, pyracy, demoralization of national societies & degradation of the instruments of all this evil. If there be a god, & he is just his day will come. He will never abandon the whole race of man to be eaten up by the leviathans and mammoths of a day. I enjoy good health," he ended significantly, "& am happy in contemplating the peace, prosperity, liberty & safety of my country, & especially the wide ocean, the barrier of all these."[21]

Just as he refused to be drawn into the controversies of Europe, so he refused time and again to be drawn into any controversy on religion. To one inquirer as to his views, he wrote back that "reading, reflection & time have convinced me that the interests of society require the observation of those moral precepts only in which all religions agree ... and that we should not intermeddle with the particular dogmas in which all religions

differ, and which are totally unconnected with morality. In all of them we see good men, & as many in one as another. The varieties of the structure & action of the human mind as in those of the body, are the work of our creator, against which it cannot be a religious duty to erect the standard of conformity." [22]

Nor were his humanitarian instincts dead, in spite of his avowed washing of hands as far as Europe was concerned. Cuba was in convulsion and refugees were flocking to the territory of Orleans. Jefferson was not convinced they were desirable immigrants, because they tended to retard "the desired epoch of [Orleans'] becoming entirely American in spirit." Yet he insisted that it was "impossible to refuse them, or to withhold any relief they can need. We should be monsters to shut the door against such sufferers." [23]

Yet his charity never extended to England. Here was a country that never lost an opportunity of playing America—or, for that matter, the rest of the world—a dirty trick. The actions of Erskine, the new British envoy, whose coming he had viewed with such scepticism, justified that reproach. Not that he blamed Erskine, but the King, his master, and "the unprincipled rascality of Canning." Great Britain, he lashed out angrily, ought to be banned from the world; "for where is the nation whose internal peace she had not attempted to destroy by the poison of her own corruption? I turn from this disgusting monument of human depravity . . . " [24]

There had also been some depravity at home, of which Gallatin was the victim. Jefferson had stood steadfastly by his Secretary of Treasury during all the complaints of dissatisfied Republicans; but on his retirement, the complaints and secret machinations redoubled and Gallatin, in disgust, contemplated resignation. He had remained on, however, under Madison, but now again he wished to resign.

Jefferson wrote to urge him to stay. "I consider the fortunes of our country as depending in an eminent degree, on the extinguishment of the public debt before we engage in any war." Otherwise "we shall be committed to the English career of debt, corruption and rottenness," and end in revolution. But the discharge of the debt could only be accomplished by Madison and Gallatin working together.[25]

To which Gallatin tartly replied that the reduction of the debt had been the principal reason for first bringing him into office; but that it could only be accomplished by the co-operation of all branches of the government in achieving a balanced budget. Such was not now the case. "I cannot, my dear Sir," he burst out, "consent to act the part of a mere financier, to become a contriver of taxes, a dealer of loans, a seeker of resources for the purpose of supporting useless baubles, of encreasing the number of idle & dissipated members of the community, of fattening contractors, pursers and agents, and of introducing, in all its ramifications, that system of patronage, corruption & rottenness which you so justly execrate." [26] Never-

theless, after relieving himself by this stormy outburst, Gallatin stayed on to struggle with the times and his enemies.

Yet, for all these informed and passionate interventions in politics and the complex of events, Jefferson always kept up the pose that he had no interest in them, and had rid himself of every preoccupation except farming and those sciences on which agriculture was based. Such was the nature of his letter to his old friend and philosophic confidant, Dr. Benjamin Rush. "A retired politician," he said whimsically, "is like a broken down courser, unfit [for the] turf, and good for little else. I am endeavoring to recover the little [I] knew of farming, gardening, &c. and would gladly now exchange [every?] branch of science I possess for the knolege of a common farmer.... I find I am losing sight of the progress of the world of letters. Here we talk but of rains & droughts, of blights & frosts, of our ploughs & cattle; & if the topic changes to politics I meddle little with them. In truth I never had a cordial relish for them, & abhor the contentions and strife they generate. You know what were the times which forced us both from our first loves, the natural sciences." [27]

Monroe had visited Jefferson and been friendly enough, but that did not mean he had forgotten his grievances. Madison sought to draw him back into public service; but did *not* offer him a post in the Cabinet. He would, he hinted, be willing to place him in charge of Orleans or Louisiana. Monroe peremptorily turned them down, and Madison appealed to Jefferson for help.

As soon as he received the letter, Jefferson mounted his horse and rode over to see this Achilles who persisted in sulking in his tents. But Monroe declared he would refuse any office in which "he should be subordinate to any body but the President himself, or which did not place his responsibility substantially with the President and the nation."

Unfortunately, the Cabinet was already filled, and Jefferson hinted at the possibility of a military command. Monroe retorted that "he would sooner be shot than take a command under Wilkinson." His old friend retired somewhat discomfited, to write Madison that night that the only way to heal the breach would be to give him a Cabinet post, an independent military command or perhaps a diplomatic mission.[28] It was not until 1811 that Monroe finally was granted a position compatible with what he conceived his due—the office of Secretary of State.

For all his brave talk of disinterest in politics, Jefferson was watching the rapidly worsening condition of affairs with a vigilant eye and a deep concern. It was not merely that England, after some backing and filling, was back on her old courses again, but that the new administration was torn with dissension from within. The Smiths of Baltimore—Samuel and Robert —were at loggerheads with Gallatin and, as we have seen, Gallatin was kept from resignation only because of Jefferson's urgent plea. But the backbitings continued. In order to smooth over the situation, Jefferson

permitted himself some reminiscences of his own troubles in Washington's Cabinet. The current dissensions, he declared, "cannot be greater than between Hamilton and myself, and yet we served together four years in that way. We had indeed no personal dissensions. Each of us, perhaps, thought well of the other as a man, but as politicians it was impossible for two men to be of more opposite principles." [29] Obviously, Jefferson was investing the past with the pathos of distance.

His former private secretary, William A. Burwell, was now in Congress and had introduced a bill to provide convoys for American ships in order to prevent British search and seizure. Though this must have inevitably led to a shooting war, Jefferson approved of it; indeed, he thought it did not go far enough in protecting American rights. Now that he was out of office and without the responsibilities it entailed, he was ready at this time to "force every part of the union to join in the protection at the point of the bayonet." [30] In other words, he advocated that the Federalist states of New England be coerced by the national government, and that the national army be employed for the purpose. It was a far cry from the time of the Kentucky Resolutions.

By now he had convinced himself that the Embargo was repealed too soon. "The embargo," he asserted, "evaded as it was, proved it would have coerced [Great Britain], had it been honestly executed." The wealth which the embargo had brought home to this country, he added bitterly, "has now been thrown back into the laps of our enemies, and our navigation completely crushed." [31]

It is difficult to say which Jefferson hated most—the Federalists at home or Great Britain abroad. He solved the matter neatly by hanging one on the peg of the other. "The toryism with which we struggled in '77," he explained to Governor John Langdon of New Hampshire, "differed but in name from the federalism of '99, with which we struggled also; and the Anglicism of 1808, against which we are now struggling, is but the same thing still in another form. It is a longing for a King, and an English King rather than any other. This is the true source of their sorrows and wailings."

From this preamble he moved logically to a violent assault on perfidious England and on kings in general. "Now, take any race of animals," he exclaimed, "confine them in idleness and inaction, whether in a stye, a stable or a state-room, pamper them with high diet, gratify all their sexual appetites, immerse them in sensualities, nourish their passions, let everything bend before them, and banish whatever might lead them to think, and in a few generations they become all body and no mind.... Such is the regimen in raising kings." No wonder then that most are fools, idiots, hogs or downright insane. No wonder Napoleon beat them so easily. Only Alexander of Russia was an exception. "And so endeth the book of Kings," he concluded sententiously, "from all of whom the Lord deliver us." [32] There is nothing in the writings of Swift that outdoes this savage attack. The sole difference is that Swift generalized it to include *all* men; whereas

Jefferson reserved his innermost hell for kings, the government of England —and Federalists.

With these views of the importance of environment on the characters of men, it is no wonder that Jefferson devoted so much of his time and energies to the problems of education. He began to gather around him a group of young men whose education he directed. These thirsters after knowledge settled themselves in the vicinity of Monticello; they came up the mountain to seek his counsel and guidance, and employed the resources of his library. "In advising the course of their reading," explained their preceptor, "I endeavor to keep their attention fixed on the main objects of all science, the freedom and happiness of man. So that coming to bear a share in the councils and government of their country, they will keep ever in view the sole objects of all legitimate government." [33]

Education was for citizenship, and therefore included ethics and morals, practical science, modern languages, law and government, and history from which lessons might be drawn. There was no room in Jefferson's scheme of tutoring for poetry, literature and the classics per se, science in the abstract, or for such vain pursuits as philosophy and theology.

Chiefly, the young men who came to him wished to study law, and Jefferson encouraged the pursuit as the best road into the "councils and government of their country." His distaste for Blackstone had grown with the years, and he believed that, as a result of the craze for the English compiler, the science of law had degenerated woefully in America. He therefore insisted that his pupils begin with Coke, go on to the Reports, and only after several years of intensive work, end with Blackstone as merely "an elegant digest of what they will then have acquired from the real fountains of the law."

What he was doing on a small scale at Monticello, Jefferson wanted to expand into a general system of education. He had "two great measures at heart," he confessed, "without which no republic can maintain itself in strength. 1. That of general education, to enable every man to judge for himself what will secure or endanger his freedom. 2. To divide every county into hundreds, of such size that all the children of each will be within reach of a central school in it."

He had never receded from this purpose since his struggles with the Virginia Assembly as far back as 1775; and he was never to recede from it for the rest of his life. The older he grew, the more he witnessed the ways of the world and the emotions of man, the more he was convinced that education, provided it was properly directed, was the sole solution for the world's ills. He despised Plato, yet perhaps he had not read sufficiently in him to note that there was at least one thesis on which they could have agreed: that knowledge *is* the good; that ignorance is evil; that those who have knowledge must therefore know the good, and follow it; and that it is only ignorance that makes men prefer the evil.

More and more he became a firm believer in the efficacy of his scheme

of the "hundreds," the idea of which he readily admitted was copied from the New England town meeting. Staffed with a justice of the peace, a constable and a captain of militia, each would be an independent corporation "to manage all its concerns, to take care of its roads, its poor, and its police by patrols, etc." Such "little republics," he prophesied, "would be the main strength of the great one. We owe to them the vigor given to our revolution in its commencement in the Eastern States, and by them the Eastern States were enabled to repeal the embargo in opposition to the Middle, Southern and Western States, and their large and lubberly division into counties which can never be assembled. General orders are given out from a centre to the foreman of every hundred, as to the sergeants of an army, and the whole nation is thrown into energetic action, in the same direction in one instant and as one man, and becomes absolutely irresistible. Could I once see this I should consider it as the dawn of the salvation of the republic." [34]

One wonders whether Jefferson quite knew what he was advocating in this final peroration. For he seems to be proposing a nation of hundreds formed on a hierarchical military system, in which each man no longer decides for himself what is good, but receives his orders from the top, and all men move obediently "in the same direction in one instant and as one man." Such a plan contradicted everything for which Jefferson elsewhere stood, and subverted not only the town-meeting idea on which he modeled his plan, but the essence of democracy itself. This is true dictatorship, and contains nothing that a modern totalitarian government would not heartily agree with. It is obvious that Jefferson himself would have recoiled in horror from the logical extension of the plain implications involved in his plan. Sometimes, however, Jefferson disclosed a curious inclination to overlook the nature of the means he was willing to employ in order to achieve what he considered a profound good.

Governor John Tyler of Virginia, to whom Jefferson penned the foregoing views on education and government, was nearing the end of his term of office, and asked Jefferson to intercede with the President to secure for him the position on the Federal bench currently held by Judge Cyrus Griffin, in the event that the latter, who was ailing, should die.[35]

In spite of his resolution not to recommend office-seekers to Madison, Jefferson felt that he ought to make an exception in this case. "We have long enough suffered," he submitted, "under the base prostitution of law to party passions in one judge [Marshall] and the imbecility of another [Griffin]. In the hands of one the law is nothing more than an ambiguous text, to be explained by his sophistry into any meaning which may subserve his personal malice. Nor can any milk-and-water associate maintain his own dependence, and by a firm pursuance of what the law really is, extend its protection to the citizens or the public." [36]

What made Jefferson especially bitter against Griffin was the fact that

he had sat with Marshall in the Burr trial and never once intervened in the proceedings, but permitted the Chief Justice to run the case as if he were alone on the bench.

At this moment, too, Jefferson was himself involved in a law suit which might eventually come before the overpowering Marshall or the "cypher," Griffin.

Edward Livingston of New York, who had emigrated to New Orleans under a cloud after the extensive defalcations of a subordinate, rose rapidly to wealth and influence in his new home. Among his holdings was a large tract of land, known as the "Batture," that stretched along the river front and possessed immense potentialities. The title, however, was in dispute and the people of New Orleans insisted it was in the public domain. So, too, did Jefferson during his Presidency; and so did Congress. Livingston brought suit and won his case in the territorial court, but Jefferson directed Madison as Secretary of State to remove Livingston's people forcibly from the disputed tract.

In December, 1807, Livingston brought his grievances to the public view in a lengthy pamphlet; following it with an action against Jefferson, once he had retired to private life, for $100,000 damages for what he claimed were the latter's arbitrary and illegal acts.

Jefferson always viewed any legal proceeding against himself with a strange mixture of rage and panic. In this instance, Livingston had brought his action in Richmond; and Jefferson feared, with Marshall and Griffin on the bench, he would be heavily mulcted in damages. He complained to Madison that Marshall's "twistifications in the case of Marbury, in that of Burr, & the late Yazoo case shew how dexterously he can reconcile law to his personal biasses: and nobody seems to doubt that he is ready prepared to decide that Livingston's right to the batture is unquestionable, and that I am bound to pay for it with my private fortune." [37]

All of Jefferson's energies were engrossed in defeating Livingston's suit and the purpose which he imputed to Marshall. He retained William Wirt and George Hay, two of the most eminent lawyers in Virginia, who had been involved in the prosecution of Burr. He later brought in other counsel, and devoted months of research to seeking out the ancient titles to the property and to an examination of the law, ancient and modern, that might be presumed to govern them. He countered Livingston's pamphlet with a ninety-one page pamphlet of his own, entitled *The Proceedings of the Government of the United States in Maintaining the Public Right Against the Intrusion of Edward Livingston*, which he proffered to his counsel for use in the forthcoming trial. Livingston replied with another pamphlet in which he accused his antagonist of mistranslations and suppressions. Jefferson bombarded government officials for all the material in the possession of the State and Treasury Departments relating to the Batture. He feared that Livingston's intrigues might cause Congress "to take some step which might have an injurious effect on the opinion of a jury"—by which he

meant the introduction of a bill which would validate Livingston's title—and therefore he placed his own memorandum in the hands of certain members of Congress in order that they might prevent such "unfavorable interference." He also wanted the Attorney General to intervene since, he argued, his acts had been done as a public officer and for the public benefit.[38]

What he dreaded most of all, however, was the prospective spite of the presiding judges, and a consequent bias that would influence a jury to bring in heavy damages against him. At no time could his fortune have sustained a substantial verdict, but even a lesser one would have been disaster at the moment. So harassed was he by debts that he had welcomed a suggestion of John Barnes, his Washington banker, "like a ray of light beaming on my uneasy mind." General Kosciusko, the Polish hero, had left a substantial sum of money in Jefferson's safekeeping on his departure from America, with instructions to invest it for him and send him the interest. Barnes now proposed that Jefferson himself borrow from this fund —it amounted to $4,500—and the latter eagerly acceded.[39] He later wrote to Kosciusko, informing him what he had done, and asking his permission.[40] Permission was granted; but the fund itself had already been used by Jefferson in paying off a bank loan, and one wonders what would have happened had Kosciusko refused.

A delicate point now arose in the Livingston case. A technical plea to the jurisdiction seemed likely of success, since the subject matter of the dispute related to land, and therefore should have been tried in the district where the land lay—New Orleans.

Jefferson at first hemmed and hawed on the question, but only because he feared that such a special plea would give the judge (Marshall) a chance to vent his spite against him. Nevertheless he felt the plea ought to be used.[41] His counsel Hay, however, urged that no technical plea be entered, but that the case go to trial on its merits. By obtaining a dismissal on technical grounds, he pointed out, the general public might feel suspicious as to the true justice of Jefferson's former actions and of the claims of the United States.[42]

But by this time Jefferson was so much afraid of an adverse verdict that he insisted on the employment of every legal maneuver possible; even to the plea that Livingston, as a citizen of a territory, was not a citizen of a state, and therefore did not come within the jurisdiction of a Federal court on the constitutional ground of diversity of citizenship.[43]

Hay unwillingly acceded, and when the case finally came up for a hearing in the following year, the motion to dismiss for lack of jurisdiction was interposed. By this time, Jefferson's friend, former Governor John Tyler, had been appointed to the court on Jefferson's recommendation (Griffin having conveniently died), and he sat with Marshall to hear the motion. Tyler wrote the opinion granting the motion, with Marshall concurring with obvious regret. The case was therefore thrown out of court

and Livingston was unable to bring it to trial again in New Orleans for the very good reason that he could never obtain jurisdiction there over Jefferson's person or property.[44] He did eventually obtain a court decree in New Orleans that he was the rightful owner of the Batture; but the complicated proceedings dragged until 1820, when a compromise was effected. Once angry passions had subsided, the two antagonists, Jefferson and Livingston, became friendly again: and Livingston went on to become Secretary of State during Andrew Jackson's administration.

Meanwhile another death had occurred on the Supreme Court—that of William Cushing, a sturdy Federalist and follower of Marshall. Jefferson rejoiced mightily over the providential death for two reasons: first, that there would be one less Federalist on the bench in the event his case should go up on appeal; second, that it gave Madison a chance to appoint "a successor of unquestionable republican principles." Since Cushing came from New England, Jefferson suggested Levi Lincoln for the place, even though he acknowledged that neither he nor Madison thought very much of Lincoln's legal attainments. But, argued Jefferson with considerable prejudice, *no* lawyer from an Eastern State knew any real law. "Their system of Jurisprudence made up from the Jewish law, a little dash of common law, & a great mass of original notions of their own, is a thing *sui generis*." [45]

To Gallatin, Jefferson wrote even more frankly: "I observe old Cushing is dead. At length, then, we have a chance of getting a Republican majority in the Supreme judiciary. For ten years has that branch braved the spirit and will of the nation.... The event is a fortunate one, and so timed as to be a Godsend to me." What particularly motivated this somewhat unpleasant glee was the pending case with Livingston. For, as he set forth, should the majority still be Federalist, in the event of an appeal, Marshall would dominate it. And he thought that Marshall's "inveteracy is profound, and his mind of that gloomy malignity which will never let him forego the opportunity of satiating it on a victim. His decisions, his instructions to a jury, his allowances & disallowances & garblings of evidence, must all be subjects of appeals. I consider that as my only chance of saving my fortune from entire wreck. And to whom is my appeal? From the judge in Burr's case to himself & his associate judge...." [46]

The same agitated spirit, almost the same vindictiveness, possessed Jefferson in his comparatively minor litigation over the dam and water rights in Albemarle with respect to the Bennett Henderson property. That litigation, in which Craven Peyton was the ostensible plaintiff (though secretly acting as Jefferson's agent), had dragged through the courts since 1804 and a decision was ultimately rendered in the lower court in favor of Henderson's heirs. Peyton took an appeal, and was defeated in the appellate court in 1812. Jefferson moved heaven and earth to gain his point, wrote interminable briefs, harried his own counsel to exasperation, and called on the very heavens to witness the injustices to which he was being subjected.[47]

CHAPTER 65

Sage of Monticello

THE longer Jefferson was away from the Presidency the more he managed to convince himself that the policy of the Embargo had been correct and that, had it been in operation only a few weeks more, England must inevitably have yielded. Its repealer, which he declared had come about through the arts of the Federalists, had been the "most fatal event" since the establishment of independence. Its loss, he prophesied, would eventually be felt by the "authors of the mischief"; but in the meantime it would ruin the "innocent agricultor." Only an immediate return to the Embargo could save the country.[1]

To avoid such ruin, Jefferson sought ways and means to improve the lot of the agriculturist. He had imported at great expense some Merino sheep and, as we have seen, the first reports had been discouraging. But gradually the quality of the wool improved and he had the profound satisfaction of knowing that he had been able to make an important contribution to the American economy. As his flock increased, he generously handed out the progeny to his neighbors on an ever-widening scale, hoping that eventually Virginia would be blanketed with the fleecy animals and a great new industry opened to the struggling farmer.

Unfortunately, some of the farmers to whom he gave young Merinos free or who managed to receive them from other sources, were not as public-spirited as himself. They in turn sold the sheep for fabulous sums and, what infuriated Jefferson, received public praise for their profitable ventures.

"I have been so disgusted with the scandalous extortions lately practiced in the sale of these animals," he wrote indignantly to Madison, "and with the description of patriotism and praise to the sellers, as if the thousands of dollars apiece they have not been ashamed to receive were not reward enough, that I am disposed to consider as right, whatever is the reverse of what they have done. Since fortune has put the occasion upon us, is it not incumbent upon us so to dispense this benefit to the farmers of our country, as to put to shame those who, forgetting their own wealth and the honest simplicity of the farmers, have thought them fit objects of the shaving art, and to excite, by a better example, the condemnation due to theirs? No sentiment is more acknowledged in the family of Agriculturists than that the few who can afford it should incur the risk and expense of all new improvements, and give the benefit freely to the many of more restricted circumstances." [2]

This was *noblesse oblige* in the purest and finest aristocratic sense; and

it must be remembered that Jefferson, for all his democracy, had more than a tinge of the benevolent aristocrat about him. He would, he avowed, as his own stock increased, present a full-blooded ram to each county in Virginia for the public servicing of the more common breed of ewes. When one of his friends proposed to publicize the offer, as a counterfoil to those who had basked in the public praise while growing rich on the profits, Jefferson exclaimed: "No, not for the world. This pharisaism would be too much like the pseudo patriotism which I have censured. It would exhibit me as greedy of praise, as they of pence." He wished for no approbation for doing what he considered "a duty incumbent on the richer farmers, to communicate gratis to those less so, any improvements they can introduce." [3]

He was constantly experimenting with new methods of farming, and sought advice from the greatest agriculturists abroad; yet did not refuse to learn from the humblest of his neighbors. His account, garden and farm books are full of notations of bits of lore he had picked up, and of experiments which he conducted himself. He even made intricate calculations of the comparative expense of candles and lamps after experiments which proved to his satisfaction that oil lamps were at least as economical as candles and had the advantage of a steadier light. He sought by actual trial on four-acre plots to determine which produced a better crop of wheat—those on which dung was folded into the soil, or those on which it was merely spread on the surface. He built the dwellings of his slaves close together, so that fewer nurses would be required for the children. These nurses, however, were the children themselves, up to the age of ten. From ten to sixteen, he decreed that the boys go to the nailery, while the girls spin. After sixteen, both sexes were transferred to work in the fields or to apprenticeship in trades.[4]

Now that he was permanently home, Jefferson increased his building operations, eventually making Monticello into the show place of the country. Yet he was never too busy to draw plans for his friends and neighbors when they sought to provide themselves with noble homes. It was his passion to see these architectural creatures of his mind take form and substance throughout Virginia.

Gradually his own cluster of buildings took shape and form on the mountaintop. The precious items he had brought with him from France were installed, and new ones imported. Mirrors, fossil remains, heads of moose and elk, a gallery of portraits, marble busts, onyx tables, a harpsichord, made the premises into something like a museum. But what set it off from every other dwelling in America, and never failed to excite the wonder of his visitors, were the many ingenious inventions Jefferson devised for his own comfort.

Such was the bed that rose on pulleys into the ceiling; the imported Swiss clock run by cannon balls for weights; the interior weather vane con-

nected with the one that flaunted from the topmost roof; the concealed mechanical device that opened the double glass and mahogany doors between the hall and the dining room in a single operation; the turning buffet in the dining-room wall, and the dumb-waiter in the side of the mantelpiece through which wine bottles could be hoisted from the cellar; the adjustable drafting board on which he drew his plans; the folding ladders—these and dozens of other ingenious mechanical devices in which he delighted.

His décor was largely classical, and he plundered Roman motifs from pictures and reproductions for his own purposes. He particularly loved the formalized oxhead design on the frieze that embroidered the temple of Vespasian at Rome. The frieze itself he copied on his mantelpiece, and the oxhead became one of his favorite decorations, even to the extent of using it on the brick walls of the University of Virginia.

Since Monticello *was* a show place, and since Jefferson himself was a great and famous man who gradually assumed, with the gathering years, the position of an elder statesman and sage, visitors rode and drove in ever-increasing numbers up the winding mountain road. Hardly a day passed that at least eight extra plates were not set at the table; and often there were many more, running as high as thirty-two. To all, the known and unknown, those with business and those who were merely curious, Jefferson offered gracious hospitality. His overseer was later to remember that they came in family groups, in carriages and on horseback; that they ate him out of house and home, devouring a whole dressed beef in a day or two. Nor did they come for the day alone; they stayed on for the night and sometimes for a week and more, so that every bed in the house was taken and poor Martha Randolph had to scurry around to find extra beds and equipment.

Yet Jefferson, in the midst of all the hubbub and the drain on his finances, never lost his smile or temper. He pursued the same invariable course. He would either ride out early on his fields or remain in his room, reading and writing, sometimes with twenty-odd books scattered on the floor, dipping from one to the other, and cranking up his private dumb-waiter on which his subterranean servants placed fruit and food for an early morning snack. Only in the late afternoon did he return to the house, or emerge to welcome his guests and partake with them of the evening meal. The hours thereafter until bedtime were devoted to talk and entertainment.[5]

But he managed to solve even this problem and obtain, at least for long periods in each year, that measure of privacy which his body and soul demanded. In the latter days of his Presidency, his thoughts turned to the remoteness of Poplar Forest as a necessary retreat. Slowly, over the years, he commenced building a hermitage there. It took a long time, but he was in no hurry, and was content to spend several months of each late summer and early fall in a makeshift hut on the premises, with no company except a few servants to tend to his personal wants and aid in the construction.

The building as it finally evolved was a single-storied brick dwelling in

front, and two stories in the rear where the ground fell away, in his favorite octagon shape and fifty feet in diameter. By the end of 1812, he was ready to plaster the interior; by 1814, he was building a wing of offices similar to that at Monticello. Building to him was never static; he was never satisfied that a structure had been completed; new ideas and more ambitious plans constantly brimmed over. Yet he surveyed the still-unfinished structure with considerable pride, and boasted that it would be "the best dwelling house in the state, except that of Monticello; perhaps preferable to that, as more proportioned to the faculties of a private citizen." By 1814, he had spent $10,000 on Poplar Forest and, he declared, "I am going on." [6]

To this hermitage he retreated, with his beloved books, writing table and polygraph, and took only with him on occasion his granddaughters for comfort in the evenings. Here he loafed, worked and invited his soul, and was able to return refreshed to the noise and bustle of Monticello.

Jefferson's tenderness toward animals was well known. His passion for finely blooded horses ran all through his career and, no matter how strapped he was for money, he never hesitated to buy an expensive new animal and think himself justified. His park was fenced in; but when deer jumped the fence in winter, he would scatter feed for them. When hunters chased them onto his premises, he would pick up his gun and peremptorily order the hunters away. He hunted very little on his own account, preferring to study the habits of living wild creatures in their native habitat.

But dogs were another matter; he never had for them the affection he had for other animals. True, he recognized their necessity and utility on a farm, but it was a strictly practical business and he begrudged their presence. He had brought some dogs with him from France for sheepherding and later imported others through the good offices of Lafayette for breeding and scattering their descendants over the countryside as he had the Merino sheep. He found them faithful and watchful enough, but he believed that, unless well fed, they would destroy sheep and hogs "without a trace." [7]

John Randolph noted in his Diary a conversation he had held with Jefferson on the subject as far back as 1804. Jefferson then said he considered dogs as a pernicious and useless race, and that there ought to be a law for their extirpation. He calculated what a saving that would make in the matter of their food, and declared that hydrophobia would be abolished. Randolph, a mighty hunter and a true Virginian, retorted in amazement that he would shoot anyone who came, law or no law, to destroy his dogs.[8]

In 1811, a bill was proposed in the state legislature to make dog owners liable for any damages they committed, and Jefferson agreed to urge all his friends in the Assembly to vote for it. He was ready to join in any plan, he avowed, to exterminate the whole race. "I consider them as the most afflicting of all the follies for which men tax themselves." [9] And when,

several years later, the report came that the Assembly had imposed a tax on more than two dogs on a plantation, he promptly ordered his overseer to kill the surplus number on each of his holdings.[10]

Jefferson was always willing to lend a helping hand to the libertarians who had fled the tyranny of Europe for the hospitable shores of America, and to aid in disseminating their seminal opinions.

One of these had been Thomas Cooper, "a political refugee with Dr. Priestley from the fires & mobs of Birmingham." Cooper had become a judge in his adopted state of Pennsylvania, and sought a correspondent in Virginia with whom to discuss law, chemistry and mineralogy, in all of which pursuits he was famous. He applied to Jefferson, but the latter professed himself a novice in the field of mineralogy and urged a young Albemarle friend, Joseph C. Cabell—of whom more will be heard later—to accept the marvelous chance thus proffered him.[11]

During his Presidency, Jefferson had received the French manuscript of Destutt Tracy's commentary on Montesquieu, with the request that it be translated into English and published anonymously in this country. Now, for the first time, he felt able to attend to the task. He wrote to William Duane, the radical editor of the *Aurora*, offering it to him for translation and publication. Though Montesquieu's great book in many sections contained "much of truth and sound principle," he declared, it also abounded "with inconsistencies, apocryphal facts and false references"; and therefore it was essential to counter the latter with Tracy's critical commentary. This was, Jefferson assured Duane, "the most valuable political work of the present age" and reduced Montesquieu "to his just level, as his predilection for monarchy, and the English monarchy in particular, has done mischief everywhere, and here, too, to a certain degree."

He was all the more anxious to see Tracy's book in print, because it would be a good substitute for Hume's History as well, which every student used as a manual and which he himself had devoured when young. For Hume, so he now thought, was an apologist for the Stuart kings and had instilled a subtle poison in English readers, which "has undermined the free principles of the English government, has persuaded readers of all classes that there were usurpations on the legitimate and salutary rights of the crown, and has spread universal toryism over the land."[12]

Tracy's Commentary, as well as his other works, have long since passed into the limbo of forgotten writings, to be read only by the specialist and the curious student of an era; but in their day they excited the enthusiastic admiration of a select coterie. Jefferson was perhaps his most ardent admirer; but such a keen observer of human affairs as Henri Beyle, better known as Stendhal, similarly came under the spell of Tracy's ideas.

What particularly won Jefferson's approval was Tracy's eloquent exposition of a constitutional government, based on representatives elected by all the citizens, and whose powers were defined and limited to specific areas

beyond which they must not trespass. Such a democracy, declared the author in contradistinction to Montesquieu's thesis, could flourish indefinitely and over wide extents of territory. Other assertions similarly followed Jefferson's own thinking. A representative democracy need not fear the truth and, since it is "founded solely on reason and nature, its only enemies are error and prejudice." As a corollary, therefore, a democracy ought to render knowledge universal; prevent the poor from succumbing to ignorance and vice and the rich from becoming insolent; and bring both to "that middle point, at which the love of order, of industry, of justice, and reason, naturally establish themselves." As a further corollary, ideas and their communication must be placed under no restraint; "for it is indisputable, that wherever opinion is left free with reason only to combat it, truth will ultimately prevail." [13]

These were doctrines dear to Jefferson's heart and which he considered, just as much as Tracy, as "indisputable" laws of nature. There was only one pronouncement in the book with which he took issue; and this was Tracy's belief that a plural executive was preferable to a single one. The American experience during the period of the Confederacy had tended to cure him of that fallacy; the sight of the French Directorate had completed the task. Compare, he exclaimed, "the tranquil and steady tenor of our single executive, during a course of twenty-two years of the most tempestuous times the history of the world has ever presented," with the fierce struggles of the Directorate. During Washington's administration, he was convinced, when the Cabinet was so often equally divided, only the fact that a single man was the final arbiter kept the government and the country on an even keel.

Nor did he fear that a single executive might become a dictator like Napoleon, for the state governments were "the true barriers of our liberty in this country" and "the wisest conservative power ever contrived by man." Even if one state were paralyzed by the usurper, there were sixteen others to defend their liberties. In France, he pointed out, "no provincial organizations existed to which the people might rally under authority of the laws . . . and a small force sufficed to turn the legislature out of their chamber, and to salute its leader chief of the nation." [14]

Duane accepted the manuscript, had it translated, and published it later in the year. But he expected a *quid pro quo*. Having violently antagonized the Republicans of his own state, furiously attacked Gallatin and others of the national government, and threatened even President Madison himself, Duane's paper had lost circulation and his personal fortunes were at a low ebb. He therefore appealed to Jefferson for assistance.

The latter gently reproved him for his assaults on Gallatin, who was "of a pure integrity, and as zealously devoted to the liberties and interests of our country as its most affectionate native citizen." Nevertheless, he acknowledged that Duane's zeal and sufferings in the cause of the Revolution entitled him to continued support, and assured him he would seek to

raise funds for the *Aurora* among his friends. But, he warned the errant publisher, let not the Republicans, "the last hope of human liberty in this world," break up into quarreling squads. "We ought not to schismatize on either men or measures," he concluded significantly. "Principles alone can justify that." [15]

As usually happens to a mediator, Jefferson suffered rebuffs on either side. William Wirt, to whom Jefferson appealed for funds, replied coldly that Duane had better go to his present allies for help, and that no doubt he intended to attack Madison next. If that were so, Jefferson replied, he would immediately abandon him; "but I still think Duane is more likely to be won by liberality, than to be forced from his direction by persecution." [16]

Wirt's fears were soon justified, for the *Aurora* promptly came out with fierce attacks on Madison. Those few of Jefferson's friends who had reluctantly yielded to his pleas now withdrew their promises of money, and Jefferson wrote a revealing letter to Duane to apprise him of the situation. "An Editor," he admitted, "should be independent, that is, of personal influence, and not be moved from his opinions on the mere authority of any individual. But, with respect to the general opinion of the political section with which he habitually accords, his duty seems very like that of a member of Congress." In other words, Jefferson advocated party discipline. He himself, he avowed, had often voted and acted "on the judgment of others against my own"; otherwise you give victory to the enemy as a consequence of your insistence on your own individuality. He pointed to the example of John Randolph as "a caution to all honest and prudent men, to sacrifice a little of self-confidence, and to go with their friends, although they may sometimes think they are going wrong." [17]

Duane did not take kindly to any of this well-meant advice. He answered neither of Jefferson's letters, and when he finally sent him a copy of the Tracy book, he merely mentioned that they had "excited in my breast very painful feelings," and therefore he had decided on silence.[18]

Jefferson loved to assume in his general correspondence the role of the retired private citizen, of the man who had enough of politics and all its works and now sought only the peace and preoccupations of a devoted farmer. "I am done with politics and have banished all its passions" was his constant refrain.[19]

But to his former political intimates he presented a wholly different face. He followed every twist and turn of the tangled political situation at home and abroad with a passionate interest; he exhorted, advised and even threatened; his language was violent against his former enemies and his words were fiery; and, like all men no longer bound by the inhibitions of total responsibility for the contemplated act, he advocated measures of force and war from which he had shrunk when *he* inhabited the President's House.

"I wish," he exhorted his erstwhile son-in-law, John Wayles Eppes, member of Congress, "you would authorize the President to take possession of East Florida immediately. The seizing West Florida will be a signal to take Pensacola & St. Augustine; and be assured it will be done as soon as the order can return after they hear of our taking Baton Rouge; and we shall never get it from them [Spain] but by a war, which may be prevented by anticipation—there never was a case where the adage was more true, 'in for a penny, in for a pound'; and no more offense will be taken by France & Spain at our seizure of both than of one.... The leading Republican members should come to an understanding, close the doors, and determine not to separate till the vote is carried, and all the secrecy you can enjoin should be aimed at until the measure is executed. The militia of Georgia will do it in a fortnight." [20] This incitement to violent and forcible seizure, with all its unforeseeable consequences, was penned on the very day he breathed that other avowal of retirement from politics and passions.

And, somewhat later, he lashed out with unprecedented bitterness at the Federalists and their new-found ally, John Randolph. The former, he exclaimed, were "bitterer enemies to their country" than any foreigner; they "would be delighted that Great Britain could conquer & reduce us again under her government." Some, indeed, would even prefer French dominion to a Republican administration. As for John Randolph, no epithet was too coarse or unbridled. "With so unprincipled and traitorous an opposition," he declared, "the republican who schismatizes is a traitor indeed, altho' he may not be in intention." But that last grudging qualification referred only to Randolph's followers, not to the leader himself. *He* was "the most envenomed enemy to a democratical republican government which it has ever seen." Eppes, who had thought of retiring from Congress, must run again and defeat that wielder of an "adder tongue." [21]

Madison must be supported and his arm upheld by all good Republicans, he kept on insisting. He was therefore extremely gratified when the breach was finally healed between Madison and Monroe, and the former offered and the latter accepted the post of Secretary of State in the Cabinet. This meant that the Republican ranks were closing again, and that the hated John Randolph had lost his last hope for regaining power. Jefferson wrote warm congratulations to Madison and advised him to treat the returning Monroe "with the cordiality of earlier times. He will feel himself to be at home again in our bosoms, and happy in a separation from those who led him astray. I learn," he added with a touch of satisfaction, "that John Randolph is now open-mouthed against him & Hay." [22]

With this major rift mended, Jefferson could look forward comfortably to a long and uninterrupted session of Virginia administrators in the government. That way, with the proper republican principles, lay the utopia he described to Dupont, and the vision of which exalted him. "Our revenues once liberated by the discharge of the public debt, & its surplus applied to canals, roads, schools, &c., and the farmer will see his government sup-

ported, his children educated, & the face of his country made a paradise by the contributions of the rich alone, without his being called on to spare a cent from his earnings." [23] No wonder the Federalists viewed this philosophy of "soaking the rich" for the benefit of the farmer with something less than total approval.

The summer of 1811 found Jefferson laid up with a sharp attack of rheumatism. The moment he thought he was better he set out for his retreat in Poplar Forest. The journey, however, was agonizing; and in his distress he called on the distant Dr. Rush for advice and thought even of a trip to the warm springs for relief.[24]

Rush sent him a list of remedies. Wear a piece of calico on the affected parts, he advised; quilt bruised rolls of sulphur into pieces of muslin and apply; rub the areas with a dry hand or brush; bathe twice a day with a compound of castille soap, camphor, opium and salt in spirits; and take internally spirit of turpentine and sassafras tea.[25]

Even with his rheumatism, however, Jefferson refused to remain idle. He calculated the latitude of Poplar Forest; then, after he had limped back to Monticello, he proposed to go to the top of neighboring Willis's mountain to take its latitude, but only if he could make the grade on horseback. There was an eclipse of the sun on September 17th, and Jefferson got out his instruments to take observations. Unfortunately, he missed the first moments of solar occlusion because he had started to set up the apparatus too late. Nevertheless, he was proud of the fact that, as far as he knew, he had been the only one in Virginia to take observations on the eclipse. He sent his figures to a mathematical friend, William Lambert, for final calculations of the longitude of Monticello. He did not feel up to making them himself; though, as he told Lambert, "I have for some time past been rubbing off the rust of my mathematics contracted during 50. years engrossed by other pursuits, and have found in it a delight and a success beyond my expectations." [26]

Mingled with these scientific pursuits were others of a more mundane and litigious character. He became involved in another of his Homeric lawsuits; this time with the directors of a project for building a canal that would render the Rivanna navigable. Since Jefferson had erected a dam on that section of the river which ran through his land, it was necessary to come to terms with him on the building of a lock in the dam and its maintenance. But the directors and Jefferson did not agree on the terms, and the matter went to court for lengthy litigation, in which Jefferson, as usual, prepared innumerable notes, depositions and vast legal documents for the delectation of his lawyers.[27]

Fortunately, at about the time that this new law action commenced, an old one ended successfully—the claim for damages by Edward Livingston in connection with the Batture. But Jefferson, while rejoicing, felt uneasily

that, since it was dismissed on a technicality rather than on the merits, the public might suspect that true justice had not been done and, as Jefferson put it, "their impression produced by Livingston's squalling as if his throat had been cut, will be uncorrected." Therefore, he decided to place his own voluminous exposition of the case in print.[28]

Just as earlier in the year, he had belligerently demanded that force be used to seize the Floridas from Spain, now his wrathful attention turned toward the north. He was thoroughly convinced that Great Britain was determined to permit no commerce on the seas unless it passed through her ports and paid substantial tolls for the privilege. War, therefore, was inevitable, at least as long as King George III still lived. Only the prospect that he might conveniently die in the very near future (an event which would probably lead to a change of policy) deterred Jefferson from demanding the immediate calling of Congress and the seizure of Canada.[29] Having expanded the United States far to the west, Jefferson sought further expansion to the south and north, with the eventual goal of the entire continent, with the possible exception of Mexico, coming under the American flag.

The break between Jefferson and John Adams had continued now for a full decade. Once, as we have seen, on the death of Jefferson's daughter, Abigail Adams had written the bereaved father (without the knowledge of her husband), but the promising overture had ended abruptly after an increasingly acrimonious rehashing of ancient politics. Again there was silence.

The situation troubled old Dr. Rush. He was conducting a cordial correspondence with both parties to the feud, but from neither came so much as a word as to the other. The dispute had gone long enough, he thought, and determined to use his good offices to bring these one-time friends together again. But tact and diplomacy were essential.

He commenced a considered plan of campaign. To each he fired an opening gun. "Your and my old friend Mr Adams," he wrote to Jefferson, "now & then drops me a line from his seat at Quincy. His letters glow with the just Opinions he held and defended in the patriotic years 1774, 1775 & 1776." In fact, added Rush cunningly, he has just expressed his indignation to me against banks that issue paper at interest (an indignation certainly shared by Jefferson). With this mutual indignation definitely established, Rush proceeded to the attack direct. "When I consider," he pleaded eloquently, "your early attachment to Mr Adams, and his—to you— When I consider how much the liberties & Independence of the United States owe to the Concert of your principles and labors, and when I reflect upon the sameness of your opinions at present, upon most of the subjects of Government, and all the subjects of legislation, I have ardently wished a friendly and epistolary intercourse might be revived between you before you take a final leave of the common Object of your Affections. . . . Pos-

terity will revere the friendship of the two Ex presidents that were once opposed to each other. Human nature will be a gainer by it. I am sure," he concluded, "an Advance on your side will be a Cordial to the heart of Mr Adams." [30]

This was eloquent and well-nigh irresistible. Yet Jefferson, flattered though he was, hesitated, remembering the disastrous interlude with Abigail and the still-present resentment over the "midnight appointments." Nevertheless, he assured Rush, the original break had not proceeded from him, and he was willing to renew friendship if, he added cautiously, it were possible.[31]

There the matter rested for almost a year, with Jefferson forwarding to Rush copies of his correspondence with Abigail to prove that renewal was really impossible. He was certain that John had been fully aware of the exchange and had approved of those opinions of his wife which had offended Jefferson so deeply. But two brothers named Cole, Jefferson's neighbors, traveled to Boston late in 1811 and spent a day with Adams at Braintree. They returned to Albemarle to report that Adams had said: "I always loved Jefferson, and still love him."

That simple, unaffected declaration unsealed the frozen springs in Jefferson's heart. "This was enough for me," he wrote immediately to Rush. "I only needed this knowledge to revive towards him all the affections of the most cordial moments of our lives.... I knew him to be always an honest man, often a great one, but sometimes incorrect and precipitate in his judgments.

"I wish, therefore, but for an apposite occasion to express to Mr. Adams my unchanged affections for him. There is an awkwardness which hangs over the resuming a correspondence so long discontinued, unless something could arise which should call for a letter." Could Rush therefore suggest to Adams that *he* start the correspondence? But, added Jefferson sternly, "from this fusion of mutual affections, Mrs. Adams is of course separated. It will only be necessary that I never name her." [32]

Rush, delighted at this break in the log jam, hastened to send selected passages from Jefferson's letter to Adams—discreetly omitting, of course, the references to Abigail and to Adams's "incorrect and precipitate" judgments.[33]

Adams received "the olive branch" with a certain scepticism. "I perceive plainly enough, Rush," he retorted to the intended mediator, "that you have been teasing Jefferson to write to me, as you did me some time ago to write to him." But, he protested, there never had been any war between them, and "where there has been no war, there can be no room for negotiations of peace."

Nevertheless, just as Jefferson had done, he expatiated at length on the points of political dispute between them. The difference was that Adams gave them a humorous light touch. "I held levees once a week," he asserted gravely, "that all my time might not be wasted by idle visits. Jefferson's

whole eight years was a levee.... I dined a large company once or twice a week. Jefferson dined a dozen every day.... Jefferson and Rush were for liberty and straight hair. I thought curled hair was as republican as straight."

But he had always loved Jefferson, he continued in more serious vein, and whatever injury he might have received, he had long since forgiven.

"But why do you make so much ado about nothing?" he asked Rush. "Of what use can it be for Jefferson and me to exchange letters? I have nothing to say to him, but to wish him an easy journey to heaven, when he goes.... And he can have nothing to say to me, but to bid me make haste and be ready. Time and chance, however, or possibly design," he ended inconsistently, "may produce ere long a letter between us." [34]

If Rush read between the lines, he might have found ample evidence that he need not despair. The two old men were like coy and reluctant lovers after a quarrel, each refusing to commence overtures, yet secretly waiting for the opening that would enable him to come to terms without loss of face.

Adams was the first to yield. On New Year's Day of 1812, just a week after his retort to Rush, he picked up his pen and instituted, in a large and quavering hand, what is without doubt one of the greatest and most fruitful correspondences in all history.

CHAPTER 66

Reconciliation with Adams

THE beginning of the exchanges between Adams and Jefferson seemed on the surface formal enough. That awkwardness to which Jefferson adverted had first to be broken down. "As you are a Friend to American Manufactures under proper restrictions," wrote Adams, "especially Manufactures of the domestic kind, I take the Liberty of Sending you by the Post a Packett containing two Pieces of Homespun lately produced in this quarter by one who was honoured in his youth with some of your Attention and much of your kindness."

After some news of his family, Adams concluded with ceremonious politeness: "I wish you Sir many happy New Years and that you may enter the next and many Succeeding Years with as animating Prospects for the Public as those at present before Us. I am Sir with a long and Sincere Esteem your Friend and Servant John Adams." [1]

It was formal, it was halting, it was awkward, as if Adams did not quite know where to begin. Or at least so it seemed. But it was enough!

Jefferson replied, himself embarrassed, yet adding just that sufficient touch of warmth which permitted a future gradual unfolding. He thanked Adams for the samples of homespun that had not yet arrived. Still feeling his way, he entered into a long dissertation on the state of manufactures in Virginia. Then the log jam loosened: "A letter from you calls up recollections very dear to my mind. It carries me back to the times when, beset with difficulties and dangers, we were fellow-laborers in the same cause, struggling for what is most valuable to man, his rights of self-government." In spite of all troubles, "so we have gone on, and so we shall go on puzzled and prospering beyond example in the history of man." But the stories of France and England had come out differently. "With all their preëminence in science, the one is a den of robbers, and the other of pirates. And if science," proceeded Jefferson, warming to his theme, "produces no better fruits than tyranny, murder, rapine and destitution of national morality, I would rather wish our country to be ignorant, honest and estimable, as our neighboring savages are." This of course was flying in the face of everything that the Enlightenment—and Jefferson—believed in, and represented nothing more than a temporary revulsion on his part.

But enough of politics. He had given them up, together with newspapers, for Tacitus and Thucydides, Newton and Euclid; and for his memories. Of the signers of the Declaration of Independence, only seven remained alive. "You and I have been wonderfully spared," he concluded. His own

health was good and he rode always, though unable to walk much. He heard, however, that Adams was still a good walker, and saluted him "with unchanged affection and respect." [2]

Jefferson sent a copy of the letter to Rush, who had been responsible for the resumption. "To avoid the subject of his family [Abigail], I have written him a rambling, gossiping epistle which gave openings for the expression of sincere feelings, & may furnish him ground of reciprocation, if he merely waited for the first declaration; for so I would construe the reserve of his letter." [3]

He was correct in his interpretation. Adams's reply was substantially more cordial and intimate. "Sitting at My Fireside with my Daughter Smith, on the first of February My Servant brought me a Bundle of Letters." One of them struck his eye. "Reading the Superscription I instantly handed the Letter to Mrs. Smith. Is not that Mr Jeffersons hand? Looking attentively at it, she answered it was very like it."

But he had played a joke on Jefferson. "The Material of the Samples of American Manufacture which I sent you," he chuckled, "was not Wool nor Cotton, nor Silk nor Flax nor Hemp nor Iron nor Wood. They were Spun from the Brain of John Quincy Adams and consist in two Volumes of his Lectures on Rhetorick and oratory, deliv[er]ed when he was Professor of that Science in our University of Cambridge."

In more serious vein, he took up the challenge of some cautious generalizations Jefferson had permitted himself on politics and the future of the country. That future, he asserted gloomily, "will depend on the Union: and how is that Union to be preserved." Already it had several times been in jeopardy; and there was an ever-present danger (with an unmistakable side glance at Napoleon) of a conquering hero against whom civilians like Adams and Jefferson would stand no more chance "than a Swallow or a Sparrow." It was to the *Union*, he declared significantly, that he had sacrificed his popularity in New England and gained no thanks for it in Virginia. (This was a reference to the days when he had withstood the Federalist clamor for war with France.)

He picked up the comment of Jefferson concerning his current interests. "What an Exchange have you made?" he exclaimed. "Of Newspapers for Newton! Rising from the lower deep of the lowest deep of Dulness and Bathos to the Contemplation of the Heavens and the heavens of Heavens. Oh that I had devoted to Newton and his Fellows, that time which I fear has been wasted on Plato and Aristotle," on Bolingbroke, Harrington, Sidney, Hobbes and their fellows.[4]

With the log jam thus completely smashed, Adams hastened in turn to exult to Rush, the mutual confidant. Jefferson's letters, he declared (and Rush faithfully reported the sentiment to Jefferson), "are written with all the elegance, purity and Sweetness of Style of his youth and middle age, and with (what I envy more)—a firmness of finger, and steadiness of chirography, that to me, are lost for ever." [5]

This was very true. Jefferson's style continued impeccable to the last days of his life; so did his finely engraved handwriting. Yet Adams, for all that his hand wavered, was able to express himself, if not with purity and elegance, certainly with a gnarled vigor and crabbed individuality of style and sentiment, a gruff ursine humor and rumbling of epithets, that need fear no comparison with even a Jefferson.

From this point on, until the day of their simultaneous deaths, the two ex-Presidents continued their correspondence, the letters crossing in the mails, the subjects ranging over the entire field of intellectual activities, interspersed with reminiscences and interpretative comments of the mighty events in which they had been such significant actors. Science, natural religion, ethics, morality, politics, history—nothing escaped their insatiable curiosity. The ancient bitterness was gone, old controversial events could now be discussed vigorously and yet with a mutual courtesy and forbearance concerning the role of the other. The sparks of perception kindled between them, and ponderings on the immutable questions of life and death.

When they touched current politics, however, they skimmed them gingerly or left them severely alone. Jefferson later remarked that they corresponded on everything *but* politics. "Where there are so many others on which we agree, why should we introduce the only one on which we differ." [6]

But Adams was wholly at one with Jefferson on the suit for damages which Edward Livingston had instituted. "Good God!" he exclaimed. "Is a President of U. S. to be Subject to a private Action of every Individual?" [7] This was touching a prerogative which he held dear.

War with Great Britain was definitely in the offing as the year of 1812 commenced. The Embargo had failed, the British blockades and forcible searches continued; yet the reasons for war now were much less cogent than they had been at almost any time before. Certainly they were nothing like as urgent as in the days that immediately followed the *Chesapeake* outrage. When it finally came, it was not popular, except with those who either sought aggrandizement in Canada, or had their eyes fixed firmly on the Floridas.

Yet Jefferson found his neighbors at the beginning of the year in full approval of the expected war. A whisky tax was proposed—that same tax which had roused the ire of the Republicans when the *Federalists* had levied it; and Jefferson himself approved of it, though with reservations.[8] He hated whisky as ruinous to the poor and a besotter of the intelligence. He never touched it himself; preferring the light wines even to the fortified ones.

With war coming up fast, Jefferson supported Madison unreservedly. There was relief implicit in his general tone that the die was about to be cast, and that the years of hesitation and shilly-shallying were over. It was

another man's responsibility now, and he could indulge himself in the luxury of whole-hearted participation without shouldering the weight.

Now, indeed, he acknowledged that war might in some cases be preferable to the Embargo. The planters and farmers of Virginia, he discovered, had been left with a third of their grain and three-quarters of their tobacco unsold and a dead, unmarketable weight on their hands. Perhaps, he told Madison, with the advent of war commerce might be renewed with Great Britain (under restrictions and licenses, of course) that would prove "mutually advantageous to the individuals, and not to their injury as belligerents.... I think a people would go through a war with much less impatience if they could dispose of their produce, and that unless a vent can be provided for them, they will soon become querulous and clamor for peace." [9]

This letter contains certain remarkable sentiments: First, that it is proper to prohibit commerce with another nation in time of peace, but it ought not to be done in time of war. Second, that the pocketbooks of the farmers ought to be tenderly consulted; yet when merchants and traders asked for the same consideration, they were traitors for whom hanging was too good.

Indeed, when the Federalists opposed the proposition of war, Jefferson called for measures against them of a violence and ferocity that comported ill with every profession he had ever made. So inconsistent, indeed, that the editors of his papers have hitherto prudently omitted the passage from the published page.

Congress had declared war in June over the bitter opposition of the Federalists, and Madison had signed the fateful bill on June 18, 1812. Jefferson promptly wrote to the President offering his support and advice. Then he adverted to the Federalists. They, he exclaimed, "indeed are open mouthed against the declaration. But they are poor devils here, not worthy of notice. A barrel of tar to each state South of the Patomac will keep all in order, & that will be freely contributed without troubling government. To the North they will give you more trouble. You may then have to apply the rougher drastics of Govr. Wright, hemp and confiscation." [10]

His advice in the same letter for the conduct of the war was equally remarkable. To make it popular in Virginia, he asserted, it was necessary, first, to put an end to Indian barbarities on the frontier by conquering Canada; second, to furnish markets for the produce of the farmer. To see his crops rot in the barn would soon sicken him of the war; a condition for which, Jefferson remarked with feeling, no wonder or blame ought to attach to him. Let the coastwise trade, therefore, be well protected; and let us wink even at the carriage of that produce in *enemy* ships abroad, as long as face is saved by their employing the subterfuge of a neutral flag.

Perhaps the answer to these strange propositions lies in the state of Jefferson's private affairs. "It is unlucky," he complained to one of his agents, "that the embargo catches me with so much unsold. I expect how-

ever that as soon as the merchants have had time to fix on a channel of vent, it will rise again.... The vent of our produce even to our enemies must be desirable; & it would be sound policy during actual war." [11]

He welcomed the war also for other than economic reasons. He believed that "this second weaning from British principles, British attachments, British manners & manufactures will be salutary, & will form an epoch of a spirit of nationalism and of consequent prosperity, which could never have resulted from a continued subordination to the interests & influence of England." [12]

In fact, everything that had ever come from England was tainted to him. Even the common law. He had always vehemently denied that Americans had brought the common law with them to these shores, or that their rights derived from it; though he admitted that arguments based on the common law had been used in the first struggle against England. The truth is, he now insisted, that what actually came over to the New World were "*the rights of men;* of expatriated men." In other words, those rights which, in eighteenth-century parlance, constituted the "natural" rights of mankind. From this chain of reasoning he drew a corollary—that the citing of English authorities *after* the Declaration of Independence, or even after the accession of George III to the throne, ought not to be permitted in American courts of law.[13]

John Adams was much less vehement about the war. He surveyed, indeed, all mankind from a cynical height. "I am weary of contemplating nations," he wrote Jefferson, "from the lowest and most beastly degradations of human life to the highest refinement of civilization. I am weary of philosophers, theologians, politicians, and historians. They are immense masses of absurdities, vices, and lies." Yet he could not refrain from some satiric remarks about the war, and to rise to the defense of the Federalist opposition. "I lament the contumacious spirit that appears about me," he declared, "but I lament the cause that has given too much apology for it, the total neglect and absolute refusal of all maritime protection and defence. Money, mariners, and soldiers would be at the public service, if only a few frigates had been ordered to be built." [14]

The receipt of such critical remarks must have touched Jefferson on a very sensitive spot, for it had been he and none other who had refused to build those frigates. The navy, he admitted, had always been Adams's "hobby-horse," and when the few ships the United States did possess performed the only brilliant exploits of the war and managed to retrieve in part the disasters on land, Jefferson hastened to inform Adams that he had not really differed with him in principle, but only on the question of timing. He defended himself on the ground that a second-class navy was as bad as none at all; or worse, if the expense and burden were considered. Only when the opposition navies would be brought to a balance with the might of England so that *our* navy could turn the scale against her, should we go ahead with a real building program. Until that time, he felt that all

we required was a navy sufficiently strong to keep the Barbary States in order; "these being the only smaller powers disposed to quarrel with us." [15]

Jefferson explained the whole strategy of the war to Thaddeus Kosciusko, the Polish hero who had returned to his homeland. The reason we had not long before gone to war with England, wrote Jefferson, was because France had been equally iniquitous, though she did not possess equal power to harm us. England, he thought, would be able to rule the sea; but *we* would rule the American continent and strip her of Canada and her other American possessions. England might be able to burn New York (he did not yet envisage the possibility of Washington); but in that case, he amazingly proposed, "we must burn the city of London by hired incendiaries, of which her starving manufacturers will furnish abundance." [16]

As the war progressed, Jefferson became more and more the advocate of a self-contained manufacturing economy; particularly on the plantation. He himself set the example for his neighbors. By the beginning of 1813 he had in operation thirty-five spindles, a hand carding machine and looms with flying shuttles. "The continuance of the war will fix the habit generally," he was certain, "and out of the evils of impressment and of the orders of council, a great blessing for us will grow. I have not formerly been an advocate for great manufactories," he confessed. "I doubted whether our labor, employed in agriculture, and aided by the spontaneous energies of the earth, would not procure us more than we could make ourselves of other necessaries. But other considerations entering into the question, have settled my doubts." [17] Jefferson's mind was sufficiently flexible to acknowledge an ancient error and to rectify it.

But the war did not take the course he so confidently anticipated. The little navy he had decried as ineffective and a useless expense displayed its valor and fighting qualities in every encounter on the sea. But the army and militia—and particularly the latter, his pet and favorite—were complete fiascoes.

The conquest of Canada as far as Quebec, Jefferson had thought, would be "a mere matter of marching, and will give us experience for the attack of Halifax the next, and the final expulsion of England from the American continent." [18]

An army, it is true, did march, but it did not get very far. General William Hull moved to attack Detroit, the British outpost on the Great Lakes, and from there expected to move into Canada where, it was felt, the mere appearance of an American force would cause the entire territory to surrender. Instead, he fell into a trap; and after an incredible series of disasters, surrendered.

The catastrophe was a staggering blow to American pride; and no one took it harder than Jefferson. It was easier for him to impute the defeat to Hull's incompetence and treason than to the superior fighting power of the British. All his wrath was diverted against the General. Hull, he ad-

vised Madison, must be "shot for cowardice & treachery. And will not Van Renslaer be broke for cowardice and incapacity?" [19] The more he thought of it, the more furious he became. It was without doubt treachery, he insisted, because cowardice could not alone account for Hull's actions. "My wonder is," he declared, "that his officers & men permitted themselves to be given up like sheep without even bleating." The only silver lining he could find in the whole discreditable episode was that the public reaction was good, and the spirit of the people high.[20]

He even rejoiced that the intransigeant Percival ministry had been reestablished in England, so that there would be no nonsense of "half-way offers" to the United States which would only serve to bolster the Federalists.[21] That minority, however, proved active enough in New England, where the war had been unpopular from its inception. The first mutterings of revolt and separation were already to be heard, and were to culminate in the Hartford Convention during the last dark years of the war.

Yet Jefferson felt that "when the questions of separatism and rebellion shall be nakedly proposed to them, the Gores & the Pickerings will find their levees crowded with silk-stocking gentry, but no yeomanry, an army of officers, without soldiers." [22] This proved true prophecy.

He was by now driven into a position where he was willing to accept a high-duty tariff which would not only provide a revenue but help protect the permanent establishment of American manufactures. It was only by the power of her money, backed by her industrial output, he argued, that England was winning. He was certain that money had been liberally employed at Detroit to induce Hull to surrender, and in Massachusetts to stir up Federalist secession.[23]

In spite of the war disasters, in spite of a tumble from his horse that disabled him for twelve days, in spite of several vexatious law suits in which he now found himself, Jefferson was once again cheerful. His district had gone overwhelmingly Republican in the fall elections; wheat and flour were at their highest price in history; and he expected them to go higher, "if Congress do nothing to prevent exportation which I think it impossible they should do." [24]

His advocacy of the unrestricted exportation of agricultural products, even to the enemy and in enemy ships, was paying excellent personal dividends. By October, 1812, he was able for the first time in many years to contemplate his income with satisfaction. His 10,000 acres and 200 slaves were yielding him well over $10,000 a year; [25] and if prices went higher, he looked forward to making even more. With the Wayles' debt almost paid off, he foresaw the possibility of a comfortable old age.

No wonder then that he kept insisting that this policy be continued. To maintain the popularity of the war in Virginia, he repeated again and again, "you must admit free exportations," without any increase in taxes. "War taxes and a suppression of exports would be to call for bricks without allowing straw. No people," he added significantly, "can stand that." [26]

The war economy only strengthened Jefferson's conviction that science should have a wholly utilitarian purpose. If it could not be directed to useful purposes, to ameliorate the condition of mankind, then it was of no more value than windy philosophy. This was his chief quarrel with the chemists of the time, as not sufficiently attentive to the *applications* of their science. "I have wished to see their science applied to domestic objects," he commented, "to malting, for instance, brewing, making cider, to fermentation and distilling generally, to the making of bread, butter, cheese, soap, to the incubation of eggs, etc." [27] In short, to those arts which would prove most useful to the farmer and plantation owner. What he did not realize, of course, was that no science could ever advance, even for utilitarian purposes, without a background of pure and disinterested research for its own sake. Nor did he note any inconsistency in his own passionate absorption in such "useless" studies as the fossil bones of mammoths and other extinct animals, or the comparative study of Indian dialects in order to trace a common point of origin.

Indeed, he had little opportunity to engage in *any* studies, in spite of the spaciousness of Monticello. "I have living with me," he half-humorously complained, "... eight grand children, their parents, & other connections making up a dozen at our daily table, and that number generally enlarged by the successive visits of other friends & relations. Quarters so crowded are illy calculated for the quiet or comfort of the aged or the studious." [28]

Nevertheless, in spite of these disadvantages, he found time to read the work of Cabanis, whose *Rapports du physique et du moral de l'homme* he praised as the "most profound of all human compositions." [29] He enthusiastically agreed with Cabanis's search for a direct relationship between the bodily organs and functions of man and his mental activities, and with his analysis of environmental conditions on human life and conduct.

He also found time to become equally enthusiastic over Destutt Tracy's new manuscript on Political Economy which reviewed the economic ideas of Adam Smith and Say. "As Smith," declared Jefferson, "had corrected some principles of the economists and Say some of Smith's; so Tracy has done as to the whole. He has in my opinion corrected fundamental errors in all of them, and by simplifying principles has brought the subject within a narrow compass." He therefore offered the book to Duane for possible publication, inasmuch as Duane had already marketed Tracy's *Review*.[30] But Duane was not sufficiently impressed at the time, and it took several years before Jefferson was able to place this new text on Political Economy before his countrymen.

He was reading a good deal in ancient history now, professing himself "tired of practical politics, and happier while reading the history of antient, than of modern times." The profligacy and immorality of modern governments, he avowed, "sickens my soul unto death." At least the similar immoralities of ancient days had already received adequate condemnation in the pages of historians and the eyes of succeeding generations; "a solace,"

he naïvely added, "we cannot have with the Georges and Napoleons, but by anticipation." [31]

It was his readings in ancient history that brought him to the conclusion that universal military training was essential if America was to be safe. Every citizen, he asserted, must be a soldier; just as had been the case with the Greeks and the Romans. "Where there is no oppression," he argued, "there will be no pauper hirelings. We must train and classify the whole of our male citizens, and make military instruction a regular part of collegiate education." [32]

He also thought that the navy should not be scattered in single forays on enemy commerce or against single enemy warships, but ought to be held together in a body in some protected waters, in order to defend the coast and to break blockades. Perhaps he did not altogether realize the implications of his suggestion that the Chesapeake waters (protecting Virginia) would be the ideal place for the fleet. But Monroe, to whom he made the suggestion, and Madison also, disagreed with the strategy thus offered, and Jefferson handsomely admitted that he was wrong.[33] His hidden bias similarly appeared in the next plan he tendered—that a hundred gunboats be built and delegated to the Delaware and the Chesapeake. The coasts and ports to the north, he told Madison, needed no defense against enemy raids, because they were "treated by the enemy as neutrals." [34]

His intense anxiety for naval protection of the Chesapeake—gateway of Virginia—was no doubt motivated by the blockade which cruising British warships had clamped on that length of shore, and their evident determination not to permit that exportation of Virginia products which Jefferson had so eloquently defended. As a result, the prosperity of the preceding year suddenly collapsed. "I am one of those unfortunates," lamented Jefferson, "on whom the blockade came before I had sold a barrel of my flour." Some 500 barrels were lying at Richmond, "the fate of which depends solely on the motions of the blockading squadron." But the British held on grimly, the American gunboats never materialized, so that Jefferson was compelled to sell his flour at a substantial loss. As if this calamity were not enough, the land suffered from a prolonged drought. All in all, it was a bad year for Jefferson. All his optimistic prospects of a few months before went glimmering, and he was thrown back on his usual mournful routine of asking extensions of time to pay his current debts.[35]

With the war proceeding badly, with the several invasions of Canada a complete fiasco, other voices than Jefferson's expressed their indignation and demanded a change in its conduct. There were those who urged that Monroe be shifted from the Cabinet to the command of the northwestern army (though what qualifications he possessed for the post are imperceptible) and that Jefferson be called out of retirement to replace him as Secretary of State.[36] None of the parties directly concerned seem to have considered the proposition with any degree of seriousness.

But the matter of the removal of Robert Smith from the key position of the War Department *was* contemplated; though Madison feared it might offend Wilson C. Nicholas, Smith's political ally. Jefferson suggested that Nicholas might be placated by the promotion of his son, then an army captain, to a majority. The favor to the son, he said, "would have a cordial effect on the mind of the father." [37] He did not worry about the sensibilities of Smith.

The war finally hit home to Jefferson's own family. His son-in-law, Randolph, was, as Jefferson put it ironically, "seised with the military fever" and joined a regiment. Martha and the children remained in Jefferson's care.[38] And death struck among the select group of his relatives and friends. George Jefferson, a cousin, with whom his relations had been personally and financially close, died on a voyage after a nervous breakdown. Dr. Benjamin Rush, his medical adviser, philosopher-friend and correspondent, and the man responsible for the rapprochement with Adams, passed quietly away. So did Jefferson's sister, Anna Scott Marks. The series of deaths within a comparatively short period saddened Jefferson and brought from him acknowledgments of his sorrow. The Old Guard was going, one by one. His brother, Randolph Jefferson, however, still remained.

Twin to the recently deceased Anna Scott, Randolph had managed to farm his land at Snowden, marry twice and have six sons. His mind was limited and his world circumscribed to the narrow confines of his daily routine. His elder brother treated him always with tenderness and respect, and helped him patiently in all the minutiae that troubled the younger man. Randolph would scrawl illiterate little notes to Thomas, in which the loan of a gig loomed larger than the deaths of his sisters, Anna Scott Marks and Mrs. Carr. Thomas would reply simply and kindly, speaking of small, everyday events that were within the scope of Randolph Jefferson's limited understanding. Once only did he suggest that he might undertake the education of one of Randolph's sons who seemed to evince a certain intelligence. Randolph agreed to the proposition with his usual casual brevity, and turned then to more important things like his need for a "spining ginney." [39]

Randolph's second wife, whom he had married without consulting his brother, proved extravagant and a shrew. Poor Randolph fell under her domination, had to sell lands to pay her debts and finally, on his brother's advice, informed the local merchants that she was to receive merchandise only on his written order. Thereupon she forged the orders. Thus harassed, Randolph quietly died in 1815; and a struggle at law for the remaining assets ensued between Randolph's sons by his first marriage and the newly bereaved widow. Jefferson was compelled to interpose with an affidavit on behalf of the sons.[40]

Still another loss in the circle of Jefferson's friends was that of Tom Paine, the fiery radical in whose behalf Jefferson had both struck and

received mighty blows. As men like Paine and Rush, who had made some noise in the world, died, the problem of the publication of their papers arose. The prospect proved a considerable source of worry to Jefferson, whose correspondence with them had been confidential and very much unbuttoned. When Rush died, he mingled regrets to the surviving sons with an urgent solicitation for the return of those letters which had dealt with his private religious views.[41] On Paine's death, to a request for permission to publish, he wrote that "while he lived, I thought it a duty, as well as a test of my own political principles to support him against the persecutions of an unprincipled faction." But now that Jefferson was old, "retired from the world, and anxious for tranquility, it is my wish that they should not be published during my life, as they might draw on me renewed molestations from the irreconcilable enemies of republican government." [42]

This matter of the publication of private letters he had written was a constant source of terror to Jefferson, though it never inhibited him from writing more of the same kind. For example, the letter he had addressed to Priestley on religion had fallen into the hands of a scribbler, who published it in his Memoirs. John Adams, to whom he confided his fears over the public exposure of his religious views, dismissed the matter in his usual forthright way, and avowed for himself that he cared not a farthing for his reputation. Generalizing, he defended the theory of checks and balances as a means of avoiding persecutions. "Checks and Ballances, Jefferson, however you and your Party may have ridiculed them, are our only Security, for the progress of Mind, as well as the Security of Body.... Every species of these Christians would persecute Deists, as soon as either Sect would persecute Another, if it had unchecked and unballanced Power. Nay, the Deists would persecute Christians, and Atheists would persecute Deists, with as unrelenting Cruelty, as any Christians would persecute them or one another. Know thyself, human Nature!" [43]

The correspondence between the two old cronies was in full swing again. Adams groaned over the length and complexity of Jefferson's letters. "I cannot write volumes on a single sheet," he exclaimed, "but these letters of yours require volumes from me." Jefferson had animadverted on that old bone of contention—the Alien and Sedition Laws. Adams was stung to a defense of the former. "We were then at war with France," he exploded. "French spies then swarmed in our cities and our country; some of them were, intollerably, turbulent, impudent and Seditious. To check these, was the design of this law. Was there ever a government which had not authority to defend itself against spies in its own bosom—spies of an enemy at war?" Then, in semiapology: "This law was never executed by me in any instance." [44]

Jefferson delved in reply into a philosophical consideration of parties. "Men have differed in opinion, and been divided into parties by these opinions, from the first origin of societies, and in all governments where they have been permitted freely to think and to speak. The same political

parties which now agitate the United States, have existed through all time. Whether the power of the people or that of the [*aristoi*] should prevail, were questions which kept the States of Greece and Rome in eternal convulsions, as they now schismatize every people whose minds and mouths are not shut up by the gag of a despot. And in fact, the terms of whig & tory belong to Natural history, as well as civil. They denote the temper and constitution of mind of different individuals." [45]

Occasionally, in the interchanges, particularly when old coals were raked over and the passions of the past relived, the fires burst forth again with renewed vigor. But Jefferson, though constantly pursuing his probing references and thereby bringing on his head the thunders of the enraged old Federalist, always kept his temper and the sputtering volcano subsided into subdued mutterings.

One of the worst eruptions came when Jefferson spoke of "the terrorism of a former day" directed against the Republicans. How about Shay's rebellion? retorted Adams. Or "Mr. Gallatin's insurrection in Pennsylvania?" Or Fries's "most outrageous riot and rescue." Or the terrorism excited by Genêt "when ten thousand people in the streets of Philadelphia, day after day, threatened to drag Washington out of his house." "I have no doubt," he added sarcastically, "you were fast asleep, in philosophical tranquillity, when ten thousand people, and, perhaps, many more, were parading the streets of Philadelphia on the evening of my Fast Day" when, with a few friends, Adams barricaded himself for a desperate defense against the mob.[46]

But Jefferson could turn aside the glowering wrath with some remarks on the Greek tongue and evoke a wry exclamation in response: "Lord! Lord! what can I do with so much Greek?" [47]

Jefferson liked to return again and again to the question of religion in general and the Christian religion in particular. His brand of optimism, derived from the Enlightenment, was in diametric opposition to the dour, cynical, yet half-humorous animadversions of the son of Puritan forebears. In fundamental thinking on the bases for religion, however, they were not so far apart. Jefferson was delighted to find that Adams approved of his outline on religion for Priestley, and hastened to expatiate further on the thesis it contained.

"I very much suspect," he wrote, "that if thinking men would have the courage to think for themselves, and to speak what they think, it would be found they do not differ in religious opinions as much as is supposed.... It is too late in the day for men of sincerity to pretend they believe in the Platonic mysticism that three are one, and one is three; and yet that the one is not three, and the three are not one.... We should all then, like the Quakers, live without an order of priests, moralize for ourselves, follow the oracle of conscience, and say nothing about what no man can understand, nor therefore believe; for I suppose belief to be the assent of the mind to an intelligible proposition." [48] Jefferson had a firm belief in the

essential "reasonableness" of men and no patience with any mystical approach to reality.

The break with Abigail had continued to trouble him, and he cautiously appended a conveyance of regards in one of his letters, to which she was only too happy to respond in kind. Thereupon Jefferson replied with a letter directed wholly to herself. But he had learned his lesson and steered carefully away from all controversial topics, exchanging information instead on their respective rheumatisms. Abigail, softened by the death of her own daughter, was willing to forgive and forget. Although political calumny, she wrote, had "for a period interrupted the Friendly intercourse and harmony which subsisted, it is again renewed, purified from the dross." [49]

John Adams had proclaimed the thesis that there was a natural aristocracy among men, and Jefferson agreed with him. But he was careful to differentiate between the natural one based on virtue and talents and the artificial one based on wealth or birth. The former, indeed, he considered "as the most precious gift of nature, for the instruction, the trusts, and government of society.... May we not even say," he inquired, "that that form of government is the best, which provides the most effectually for a pure selection of these natural *aristoi* into the offices of government?" He even toyed with the schemes of Theognis and Plato for a deliberate eugenic breeding of such a race, but discarded them with the comment "that the equal rights of men will rise up against the privileged Solomon and his Harem." Nor did he agree with Adams's plan of placing the artificial or "*pseudo-aristoi*" in a separate Senate of the legislature on the theory that a proper check and balance would follow, and wealth would be protected from the assaults of the have-nots.

You do not have to worry about the wealthy, retorted Jefferson. They can take care of themselves and get into even a unicameral legislature. Nor have the actions of past legislatures proven that an equalization of property is to be feared. He was confident that in general the people, with only an occasional error, "will elect the really wise and good." He adverted to his own proposals in the early days of Virginia. His bills had "laid the ax to the foot of pseudo-aristocracy" and had put down the aristocracy of the clergy. If only his bill for the general diffusion of knowledge had gone through, "our work would have been complete." It was still before the legislature and he hoped it would some day pass and become the "key-stone of the arch of our government."

He was propounding these opinions, he ended cautiously, "not with a view to controversy, for we are both too old to change opinions which are the result of a long life of inquiry and reflection; but on the suggestions of a former letter of yours, that we ought not to die before we have explained ourselves to each other." [50]

Indeed, this remarkable correspondence not only explained the two men to each other, but has helped explain them to posterity.

Jefferson, in fact, employed this great period of his leisure to explain himself to all and sundry. To the ambitious writer of a text on grammar, he avowed that the study had never been one of his favorites. "The scanty foundation, laid in at school, has carried me through a life of much hasty writing, more indebted for style to reading and memory, than to rules of grammar." He believed strongly that usage gave the law to grammar, and not grammar to usage. Certainly so rapidly growing a population as the United States, he thought, "must enlarge their language, to make it answer its purpose of expressing all ideas, the new as well as the old. The new circumstances under which we are placed, call for new words, new phrases, and for the transfer of old words to new objects." An American dialect was in the process of formation, and it would enrich, not adulterate the English language.[51]

He looked to South America and had no doubt that the peoples there would eventually gain their independence. But he was not so sure as to what they would do with it. He had found no example in history "of a priest-ridden people maintaining a free civil government." He foresaw with awful clarity the course that South America would take. "Their people," he claimed, "are immersed in the darkest ignorance, and brutalised by bigotry & superstition. Their priests make of them what they please: and tho' they may have some capable leaders yet nothing but intelligence in the people themselves can keep these faithful to their charge. Their efforts I fear therefore will end in establishing military despotisms in the several provinces. Among these there can be no confederacy. A republic of kings is impossible." Nevertheless he hoped that time, education and the example of the United States would finally qualify them for self-government.[52]

CHAPTER 67

Plan for Education

WHILE Jefferson's mind thus ranged widely in space and time, and even beyond, he did not lose sight of the pressing problems closer at hand.

He was engaged in extensive controversy with the Rivanna Canal Company that was trying to compel him to remove his obstructions to navigation without what he thought was an adequate safeguarding of his rights. The company directors had gone to the legislature to press their claims, and Jefferson countered with pressures of his own. His chief advocate in the Assembly was Joseph Carrington Cabell, a young man of some thirty-five years, who had become an enthusiastic disciple of the Sage of Monticello and was to work valiantly with him in the ensuing years in the promotion of the University of Virginia. "You may rest assured," replied Cabell, "that I shall pay the most pointed attention to this business, and do every thing in my power to guard your rights from invasion." [1]

What mortified Jefferson more than anything else was the fact that the Albemarle delegation—his own neighbors—stood with the Company against himself, and that he had to rely for protection on legislators from other counties. But the latter rallied to his cause and Cabell was able to report triumphantly that he had forced through sufficient amendments to the bill to cause the Company to let it lie over rather than put it to a vote.[2] Thus thwarted in their original plans, the directors eventually came to a compromise agreement with Jefferson and the bill, with amendments, was consented to by both parties.[3]

The conduct of the war continued naturally to engross his attention. Earlier in the year the sky had lightened a trifle, at least to the south where General William Cocke had fought and won some victories over the Creek Indians. Jefferson congratulated him, but expressed his regret that Cocke had not been permitted to seize the whole of Florida, as a measure of redress for our wrongs and before the British moved in. "For this blot," he exclaimed, "left open to be hit by our adversary, we are indebted, it seems, to that Sexennial spirit of the Senate, of which you and I saw so much, which has so often defeated the wisdom and patriotism of their coordinate authorities, and is destined to produce incalculable injury and danger, if not recalled to responsibility at shorter periods." [4]

The more he contemplated the Senate, indeed, the more he was determined to curtail the powers of those "pseudo-aristoi" by shortening their

term of office and thereby forcing them to consider the wishes of the people from whom they derived their authority. He was all for "responsibilities at short periods," he wrote, "seeing neither reason nor safety in making public functionaries independent of the nation for life, or even for long term of years." He also advocated a maximum of two terms of four years each for the Presidency, with permanent ineligibility thereafter.[5] Today (1951) that idea of his has been realized by Constitutional amendment.

With banks and banking charters again under consideration, Jefferson repeated his favorite thesis dating as far back as 1789, that "the earth belongs to the living, not to the dead." Once again he brought forward the doubtful statistics which to him proved that a generation changes every nineteen years, and that no man or government has a right to bind the future generations by laws or contracts.

The instant cause of these new reflections was the current series of applications for new bank charters. These meant that more paper money (to which he was unalterably opposed) would be placed in circulation. Let us have banks, he exclaimed, but not banks of discount which offer "anything but cash in exchange for discounted bills." In letter after letter to his former son-in-law, he expounded his theories of money, paper, banks and credit in general, and sought through him to avoid having Virginia fall into the ancient trap.[6]

The war with England was fortunately taking a turn for the better, at least temporarily. Some victories on the Canadian border excited Jefferson's hopes and he told Thomas Mann Randolph, now with the army in northern New York, that with the expected fall of Canada, "the earlier disgraces of the war are now wiped away. This with the execution of Hull, and perhaps the *disgrace* of 3. or 4. more will satisfy all with the state of the war, the Anglomen excepted."[7] He kept insisting that General Hull had been guilty of treachery in surrendering and that therefore he ought to be executed. Fortunately, the rest of the nation was not as vehement for the unfortunate general's blood; and he was merely retired under a cloud.

The indefatigable Dr. Logan, who had once attempted a one-man peace mission to France, was now ready to perform the same "duty" again with England; and sought Jefferson's assistance. But Jefferson was reluctant to interpose his good offices with Madison's administration. As for himself, he thought indispensable to any peace treaty the revocation of the Orders in Council and the discontinuance of impressments. Less indispensable, but advisable, were an indemnity for past damages, and exclusive rights in the Great Lakes to prevent their future passage by the Indians for raiding.[8] Obviously, the current state of the war precluded any possibility that England would submit to anything like these terms.

The war, he reflected, was so difficult to win because the three great

classes of "merchants, priests, and lawyers" adhered to England and monarchy rather than to their own country and the Constitution. He could understand the case of the merchants. "Merchants," he wrote bitterly, "have no country. The mere spot they stand on does not constitute so strong an attachment as that from which they draw their gains." As for the class of clericals, "in every country and in every age, the priest has been hostile to liberty. He is always in alliance with the despot, abetting his abuses in return for protection to his own." But he was surprised at the lawyers. With them, he exclaimed, "it is a new thing." He could only ascribe their defection from free principles to the baleful influence of two men—Blackstone and Hume. Their books had sown the seeds of reaction and obscurantism. They "have done more," he was convinced, "towards the suppression of the liberties of man, than all the million of men in arms of Bonaparte and the millions of human lives with the sacrifice of which he will stand loaded before the judgment seat of his Maker." [9]

Time has not mellowed his judgments. Its passage, indeed, seemed rather to sharpen and exacerbate them. He lashed out in a good many directions, and found targets for his wrath in men and institutions everywhere. The years of abuse heaped upon himself, the arrogance of groups and nations, the continuance of the war, had taken their toll.

Christianity, for example, had become "part and parcel of the laws of England" through a fraud originally practiced by King Alfred and later abetted by a series of judges culminating in Sir Matthew Hale.[10]

Even his old friend, John Taylor of Caroline, did not escape the critical tartness that enveloped him at this time. His new book, issued under a transparent veil of anonymity, had some "good things" in it, Jefferson admitted. But they were "so involved in quaint, in far-fetched, affected, mystical conciepts [*sic*], and flimsy theories, that who can take the trouble of getting at them?" [11]

Perhaps the reason for these sudden explosions may be found in the state of his personal finances. His last year's supply of flour was moldering unsold in warehouses; the new year's crop had been destroyed by drought; his notes at the banks and with private individuals were all unpaid. "On the whole," he wrote grimly, "it has been the most calamitous year I have experienced since the year 1755." [12]

It is no wonder then that he reserved some of his most violent excoriations for the banks, to whose issuance of paper money he attributed the current hardships of the planters. "But our whole country," he exclaimed, "is so fascinated by this Jack-lantern wealth, that they will not stop short of its total and fatal explosion." [13]

When the first sign of that explosion occurred some six months later, he hailed it with the satisfaction of a prophet who has seen his foretelling come true. "Providence has now done the work for us," he told Cabell. The banks have declared themselves bankrupt and this is the time to reform the entire system. Congress should issue nationally its own treasury notes

based on tax receipts; and Virginia ought to get around the Constitutional provision against the States' issuing "bills of Credit" by an interpretation.

Jefferson's method of evasion was ingenious, to say the least. A state, he asserted, that is unable to pay its debts has the right to issue acknowledgments of the amounts it owes. These can be emitted in small denominations, stating on their face that they would be paid out of the proceeds of a specific tax. Such due bills could then be emitted in turn by the banks in exchange for their own notes, and be employed as legal tender in the payment of taxes. Since the national government owed Virginia $400,000, whenever Congress issued its own treasury notes in payment of that debt, the State notes could then be called in and those of the nation substituted. Thus, Jefferson ended his complicated financial system, the evasion of the Constitution would cease and determine. He was only too well aware that what he advocated, if too long continued, "might lead to new deluges of paper circulation, and to new revolutions and convulsions in private fortunes." [14] What he was *not* aware of was that it is infinitely easier to set an inflationary spiral of paper emissions in motion than to stop it.

Yet even in this time of storm and stress, Jefferson managed to hold on to some of his calmer and more equable pursuits.

Visitors to Monticello were welcomed with the utmost courtesy and hospitality; particularly when their intellectual interests coincided with his own. One such was a Portuguese diplomat, philosopher, intellectual and scientist—Joseph Correa de Serra. The two men found so much in common that a lifelong friendship ensued. Correa was a man of the world, a botanist, traveled and of a quick and nimble mind; and Jefferson would have liked to have kept him forever at Monticello.[15]

From Boston also came two young men eager to meet the Sage of Monticello. They were George Ticknor, aged 23, and at the beginning of a brilliant career; and his companion, Francis Calley Gray. Armed as they were with letters of introduction from John Adams, they had no difficulty in receiving a warm and cordial greeting. Both visitors in later years left accounts of their memorable sojourn at Monticello.

Young Gray described Jefferson as "quite tall, six feet, one or two inches, face streaked and speckled with red, light gray eyes, white hair, dressed in shoes of very thin soft leather with pointed toes and heels ascending in a peak behind, with very short quarters, grey worsted stockings, corduroy small clothes, blue waistcoat and coat, of stiff thick cloth made of the wool of his own merinoes and badly manufactured, the buttons of his coat and small clothes of horn, and an under waistcoat flannel bound with red velvet. His figure bony, long and with broad shoulders, a true Virginian." [16]

The two young men were not particularly struck by the appointments of the famous place, however. One entered the house through a glass folding door into a hall that to their minds was strangely furnished. The chairs were leather-bottomed and stuffed with hair, "but the bottoms were com-

pletely worn through and the hair sticking out in all directions." On the walls hung a weird collection of trophies—stuffed heads and horns of elk, deer, buffalo and the bones of a mammoth, as well as other curiosities collected by Lewis and Clark. The paintings were a mixture of good and bad. The prints, Gray thought, were miserable; while Ticknor wondered at the strange juxtaposition of a fine painting of St. Peter with a leather Indian map and the primitive depiction of a bloody battle. There were the copies of paintings which Jefferson had ordered while in France—the Laughing and Weeping Philosophers, Columbus, Americus Vespuccius, Magellan, etc., as well as portraits of Madison, Lafayette and Franklin.

As the young men were themselves booklovers, they studied his library with the greatest interest. On the marble mantelpiece in the entrance hall were Livy, Orosius, the *Edinburgh Review* and Maria Edgeworth; while in the library proper Ticknor observed a most curious collection that ordinarily might have been thought out of place in such a grave and reverend company. This was a privately bound six-volume edition of scandalous memoirs of the courts of France and England, whose covers Jefferson had lettered *The Book of Kings*. "These documents of regal scandal," noted the young visitor, "seemed to be favorites with the philosopher, who pointed them out to me with a satisfaction somewhat inconsistent with the measured gravity he claims in relation to such subjects generally." Ticknor thought that this strange collection was "the most characteristic of the man and expressive of his hatred of royalty." [17]

The family consisted of Jefferson, the Randolphs and their children, and Mrs. Marks, Jefferson's sister. Everything was done with a steady regularity. At eight in the morning, the first bell was rung; at nine, a second summoned the guests to breakfast. After breakfast, one did as one pleased; the children went to their schoolroom, and Jefferson rode out to his mills, returning at noon. At three-thirty, the great bell rang again; at four, it sent out its summons for dining. The meals were excellent and served in the French style; except that the wine came out only after the cloth had been removed. All sat together until six, when the ladies retired, returning however with tea at seven. The remainder of the evening was spent together, with the ladies joining in even the highest intellectual reaches of the conversation. At ten-thirty, the house retired for the night.

It was all very decent and orderly. One anecdote reported by young Ticknor is illuminating. One afternoon, Jefferson returned from his daily survey of his mills to remark in an ordinary tone that his dam had been carried away the night before. From the brevity and casualness of the remark Ticknor thought it was a matter of small consequence. Only later did he discover that the damage done had amounted to about $30,000.[18]

"There is a breathing of notional philosophy in Mr. Jefferson," summed up the perceptive young man, "—in his dress, his house, his conversation." His dress had been made the subject of much laughter "and he might perhaps wisely have dismissed them." His ideas on economics and politics—

such as the "natural" impossibility of one generation binding another, the expediency of vesting all legislative authority in a single House, the executive authority in another, "and leaving them to govern it by joint discretion"—were considered by Ticknor "simply as curious *indicia* of an extraordinary character." [19]

Jefferson's ideas of the normal progression of education were perhaps equally curious, as he expounded them to Benjamin Barton on hearing that many of the Iroquois Indians were able to read. This, he thought, "is beginning at the wrong end." They ought first to be taught the care of domestic animals, agriculture, useful household arts, the acquisition of property and the use of money, with enough arithmetic to manage it and enough writing to note it down. Then, and then only, ought they to be taught to read from books, and last of all, those books which contain "religion as distinguished from morality." [20]

That morality which he unweariedly advocated as against revealed religion did not even consist solely of truth or the love of God, and certainly not of mere egoistic pleasure. "Nature hath implanted in our breasts," he asserted, "a love of others, a sense of duty to them, a moral instinct, in short, which prompts us irresistibly to feel and to succor their distresses. . . . The Creator would indeed have been a bungling artist, had he intended man for a social animal, without planting in him social dispositions." [21]

This was the crux of Jefferson's belief—that the amelioration of the condition on earth of one's fellow man represented his highest aim and noblest activity. One's religion was a private affair, and a "subject of accountability to God alone. I inquire after no man's, and trouble none with mine; nor is it given to us in this life to know whether yours or mine, our friends or our foes, are exactly the right." [22]

Since reason was the "only oracle which God has given us" and a republican form of government was manifestly the only proper form for man, it is no wonder that he determined to devote the remainder of his life to the furtherance of two great subjects—public education, and the subdivision of state counties into wards or "hundreds." The future of the republic, he was convinced, hung absolutely on "these two hooks." [23]

He now began, therefore, to push with every energy he possessed his scheme for the advancement of education in Virginia; a project to which he devoted almost all the waking hours that remained to him on earth.

His chief instrument for the task was Joseph Carrington Cabell, a fellow Virginian who had traveled in Europe, and was now in the Senate of Virginia. Cabell fell in enthusiastically with his schemes, and worked valiantly alongside to further them. At the end of 1809, he had introduced a bill in the legislature to appropriate certain forfeitures and penalties to the encouragement of learning, which was the beginning of what became known as the "Literary Fund."

But there the matter rested until the proposal to open an academy in Charlottesville, to be known as "Central College," galvanized Jefferson to

renewed activity on his favorite topic. He promised the promoters to draft a plan for its building and operation, and he sought advice far and wide among his friends. But, as he informed Dr. Cooper, the college "should comprehend all the sciences useful to us, and none others." This emphasis on the "practical" and "useful" as against the merely ornamental or a delight in learning and cultivation for its own sake, was to grow on him with the passage of the years. If such a college or university were founded—and already his views extended far beyond the local institution to one which would embrace all Virginia—he intended to sell it "on its own terms" his library of some 7,000 to 8,000 volumes. He was extremely proud of that library; calling it "the best chosen collection of its size probably in America, and containing a great mass of what is most rare and valuable, and especially of what relates to America." [24]

But he received the most divergent views from the people to whom he applied for aid and guidance. No two plans were alike, and he was compelled to choose those sections which had application to the specific conditions in Virginia. Dr. Cooper, for example, a radical and freethinker, inveighed against any attempt to incorporate a professorship of theology into the scheme. Jefferson agreed with him wholeheartedly in theory, but realized there would be practical obstacles. "We cannot always do what is absolutely best," he admonished his friend. "Those with whom we act, entertaining different views, have the power and the right of carrying them into practice. Truth," he philosophized, "advances, and error recedes step by step only; and to do to our fellow men the most good in our power, we must lead where we can, follow where we cannot, and still go with them, watching always the favorable moment for helping them to another step." [25]

Jefferson might have been "notional," as Ticknor observed; but he was always a practical politician, and knew something of the psychology of his fellow men. He could never have achieved the success he did had he not possessed both an ideal aim and a practical flexibility for compromise.

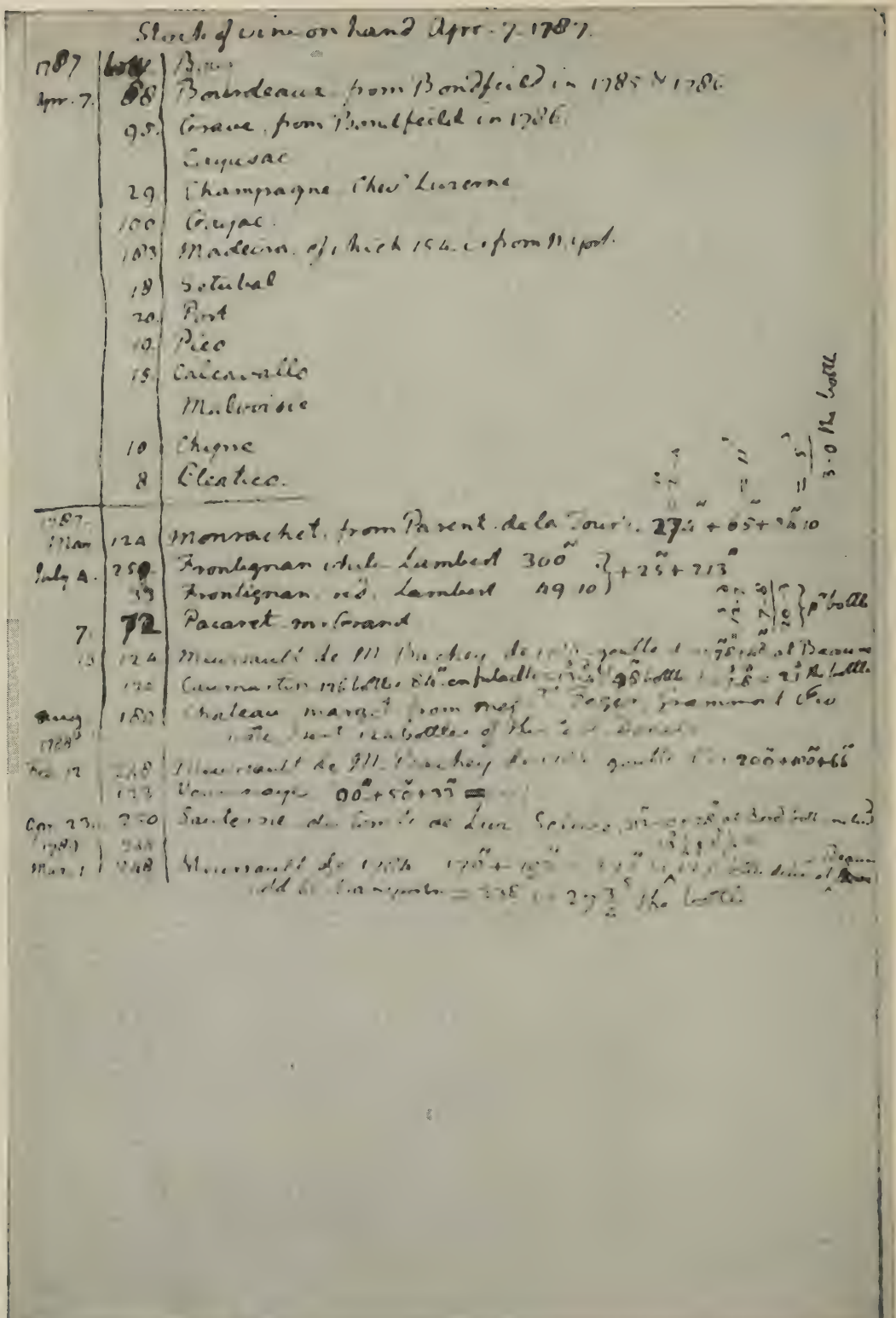
When Jefferson came to draft his own plan, he expanded it to take in the entire graded system of education. Every citizen, he insisted, was entitled to an education furnished by the State. But this education ought not, as in modern view, to be equal for all. "The mass of our citizens," he said, "may be divided into two classes, the laboring, & the learned. The laboring will need the first grade of education to qualify them for their pursuits and duties; the learned will need it as a foundation for further acquirements."

After the pupils finished an elementary course of instruction, the two classes would separate. "Those destined for labor will engage in the business of agriculture, or enter into apprenticeships to such handicraft art as may be their choice: their companions destined to the pursuits of science, will proceed to the College." This latter was to be divided into two sections, one comprising a general course and the other the professions. But even the learned could be divided into those who required a profession as a means of livelihood and the wealthy who, possessed of independent fortunes, "may

Courtesy the Pennsylvania Academy of the Fine Arts

DR. BENJAMIN RUSH

Plaster bust by William Rush



Stock of wine on hand Apr. 7. 1787.

1787 Apr. 7.	60	Bottles
	68	Bordeaux from Bondfield in 1785 & 1786
	95	Grave from Bondfield in 1786
		Lequeac
	29	Champagne Chez Lorraine
	100	Grupac
	103	Madeira of which 54 are from Mr. Short
	18	Setubal
	20	Port
	10	Pico
	15	Calcavella
		Malvoisie
	10	Chipre
	8	Cleaches
1787 May	124	Monrachet from Parent de la Tour
July 4.	259	Frontignan white Lambert
	33	Frontignan red Lambert
7.	72	Pacaret or Grand
13	124	Marsault de M Pinchon
	172	Carruau
Aug. 1788	182	Chateau Margaux from Mr. Foger
Nov. 12	248	Marsault de M Pinchon
	173	Vin de Grave
Dec. 23. 1788	250	Sauterne de Mr. de Lur
Mar. 1	248	Marsault de M Pinchon

3. 0 the bottle

aspire to share in conducting the affairs of the nation, or to live in usefulness & respect in the private ranks of life. Both of these sections will require instruction in all the higher branches of science"; while the "useful" sciences should be taught generally.

The "highest degree" of the sciences was to be reserved for the culmination of his scheme, the strictly professional schools, which would include Fine Arts (architecture, gardening, painting, sculpture and music—for "the Gentlemen"), Military and Naval Architecture and Projectiles, Rural Economy (agriculture, horticulture and veterinary), Technical Philosophy (for mariners, carpenters, clockmakers, opticians, metallurgists, etc.), Medicine, Law and, with an obeisance to prevailing opinion, Theology and Ecclesiastical History.[26]

There is much in this plan to illuminate Jefferson's mind and thought. First, his insistence on *practical* as against *ornamental* knowledge; the latter of which he believed to be the function of "the gentlemen" alone. Second, his belief in the natural inequalities of people on the intellectual level. Higher education for those at the lower level—at the expense of the State—he considered a criminal waste of time. He felt that the poor would necessarily fall into this category; though elsewhere he made provision for a very few of the brilliant among them to obtain the highest education. Third, his idea that the conduct of government was primarily the affair of those with independent fortunes. This was a corollary to his thesis that the administration of public affairs should not be made into a means of livelihood. Here was the aristocrat principle that was as much a part of Jefferson's philosophy as the other and better-known one of his profound belief in the good political sense of the people, *provided* they were able by education to exercise their reason and ascertain the truth. His ideal republic was in a sense both aristocratic and democratic, with those of independent fortune (preferably based on the ownership of land and therefore "gentlemen") possessed of public spirit and administering government; and the mass of the electorate, literate and rational, holding them in rigorous check by the power of the ballot.

He incorporated this scheme in a long letter to Peter Carr, his nephew, now grown to manhood and President of the Board of Trustees of the proposed College. It was published entire in the Richmond *Enquirer*, and so impressed the state legislators that they passed a bill in 1816 incorporating Central College.[27] Riding the crest of the enthusiasm thus created, the legislature further appropriated to the uses of education the entire debt of the United States to Virginia, amounting to $600,000; and ordered the Directors of the Literary Fund previously established to report on a plan of graded schools and universities somewhat along the lines which Jefferson had advocated.[28]

Jefferson's hatred of what he called "innate knowledge," profitless philosophical speculation and mysticism, was constantly cropping up. *Practical*

science that would help the world progress was the only true pursuit for youth, and the only one with which education ought to concern itself.[29]

He now read Plato's Republic for the first time and found it, he told Adams, "the heaviest task-work I ever went through. I had occasionally before taken up some of his other works, but scarcely ever had patience to go through a whole dialogue. While wading through the whimsies, the puerilities, and unintelligible jargon of his work, I laid it down often to ask myself how it could have been, that the world should have so long consented to give reputation to such nonsense as this?" He could understand it only by the fact that Plato's "whimsies" had been incorporated into "the body of artificial Christianity." The doctrines of Jesus, he exclaimed, "are within the comprehension of a child; but thousands of volumes have not yet explained the Platonisms engrafted on them." And again he attacked the new fad of "innate" knowledge based on intuition; and the contemptuous rejection of the laborious knowledge accumulated through the ages.[30] To all of which Adams heartily said *amen*.[31]

Two events of importance happened in the outside world during this period, one of which delighted him while the other roused him to a fury of indignation.

The first was the news that Napoleon had finally been overthrown and banished by the conclave of opposing nations to Elba. "The Attila of the age dethroned," Jefferson cried to Adams, "the ruthless destroyer of ten millions of the human race . . . the great oppressor of the rights and liberties of the world, shut up within the circle of a little island in the Mediterranean, and dwindled to the condition of an humble and degraded pensioner on the bounty of those he has most injured. How miserably, how meanly, has he closed his inflated career! What a sample of the bathos will his history present!" Yet mingled with this delight was some fear. The tyrant of the ocean (England) still remained! [32]

What would the Federalists of Massachusetts say to this, he asked, especially if, as had been hinted, a condition of the terms of peace would be the cession of their fisheries to England? Those Federalists he later analyzed into three sections: "1. the Essex junto who are Anglomen, Monarchists, & Separatists. 2. the Hamiltonians, who are Anglomen & Monarchists, but not Separatists. 3. the common mass of federalists who are Anglomen, but neither Monarchists nor Separatists." [33]

He had come so far in his thinking, and the regime of Napoleon had jarred him so mightily from his former preconceptions, that he was now willing to see even the Bourbons restored to France. He believed they were the "only point on which France could be rallied, and that their re-establishment is better for that country than civil wars, whether they should be a peaceable nation under a fool or a warring one under a military despot of genius." [34]

The other event, at once shocking and infuriating, was the burning of

Washington by the British in a sudden and almost unopposed raid. It brought to Jefferson tragic memories of that earlier foray against Richmond during the period of his own governorship. The one particular act that made him cry out was the destruction of the library of Congress.

He had intended giving his own private library to the Central College, but he now offered it as the nucleus for a new and greater Library of Congress. He had spent fifty years in collecting it, he wrote Samuel H. Smith, and had ransacked for its accumulation every bookstore in Paris, and ordered volumes from the major European cities. In his will, he added, he had bequeathed it to the nation (he omitted reference to the recent shift he had contemplated); but in this hour of catastrophe he was ready to present it at once to Congress at its own valuation. He made only one condition—that his collection be kept as a unit.[35]

Eventually, Congress accepted the gracious offer, paying $23,950 for the total;[36] and the current great Library may well be considered as having received its initial impulse from Jefferson's fundamental collection.

CHAPTER 68

The Great Correspondence

WITH the mighty Napoleon smitten to the ground and the long chapter of war in Europe seemingly at an end, the problem for Americans was: would a triumphant England come to an honorable peace with her sole remaining antagonist, or would she now concentrate all the power of her forces to subjugate the republic across the seas?

Jefferson veered in his estimate from day to day. At one time he would be optimistic and, satisfied that peace would come before the winter ended, give instructions to his overseer to get the tobacco and the flour ready and send them down to Richmond with all possible speed. "The great prices will be for that at market the moment peace opens the bay," he wrote.[1]

But other times pessimism would overwhelm him, and he was certain that there must be eternal war with England until she dropped any claim to impressments. Then his warlike vehemence grew out of all bounds, and he urged on Madison, Monroe and members of the Cabinet the most stringent Spartan measures: large loans, heavy taxes, issuance of paper money, a levy *en masse* of militia to render us, like Greece and Rome, "a nation of warriors." In the emergencies of the occasion, some of his cherished doctrines went by the board. He was ready now to see the nation go into debt and throw part of the burdens of the present war upon the "times of peace and commerce." He was willing to see the national government issue paper against specific pledges, and have the people force the merchants to accept it as legal tender. It was a case, indeed, of the lesser of two evils. Rather than have the private banks in "the fatal possession of the whole circulating medium," he preferred it to be in the hands of the government.

Monroe had just taken over the War Department, and Jefferson, with memories of his own, was sorry for it. "Were an angel from Heaven to undertake that office," he wrote feelingly, "all our miscarriages would be ascribed to him.... I speak from experience, when I was Governor of Virginia."[2]

To further complicate matters, the extreme Federalists of New England had finally carried out their long-standing threat to seek open secession from a Union that persisted in war against England. At the notorious Hartford Convention, these bitter-enders met in conclave, ranted and denounced, passed virulent resolutions—and then returned to their homes without putting words into action.

Jefferson likened the leaders to the Marats, Dantons and Robespierres of France as seeking anarchy and in the pay of England. But, he exulted, "the

yeomanry of the United States are not the *canaille* of Paris"; and the only ones that would flock to the banner of treason would be "gambling merchants and silk-stocking clerks." In this hour of stress he hymned a paean to the plain people and the indissolubility of the Union. "The cement of this Union," he exclaimed, "is in the heart-blood of every American. I do not believe there is on earth a government established on so immovable a basis. Let them, in any State, even in Massachusetts itself, raise the standard of separation, and its citizens will rise in mass, and do justice themselves on their own incendiaries." [3]

News was slow in coming from Europe. While Federalists plotted treason and the United States girded itself to meet the overwhelming onslaught of a victorious enemy, a peace had already been negotiated at Ghent in Belgium, a peace which Monroe joyfully asserted to be "in all respects honorable to our country. No concession is made of any kind." [4] What he omitted to mention was that nothing had been concluded, either; that all matters in dispute had been discreetly left in *status quo ante bellum*, and that the sorry war might just as well have never been fought.

Jefferson saw this clearly. Though equally rejoicing at war's end, he insisted that England must now enter into a convention for relinquishing the hated impressments. "Without this," he warned, "she must understand that the present is but a truce, determinable on the first act of impressment of an American citizen, committed by any officer of hers." He wanted such a convention wholly divorced from any treaty of commerce. He preferred that the United States enter into no commercial arrangement at all. "We cannot too distinctly detach ourselves from the European system, which is essentially belligerent, nor too sedulously cultivate an American system, essentially pacific." [5]

England never entered into any formal renunciation of the right of impressment; but she never made any move to enforce it again; and the issue ceased to be a further source of conflict between the two nations. The news of the overwhelming victory of General Andrew Jackson at New Orleans against the flower of British veterans, though the battle had been fought after the Treaty of Ghent had been signed, served to soothe injured American feelings and to erase some of the memories of a war hitherto badly conducted and badly fought.

Jefferson refused to remit his deep-seated hatred of England simply because what he conceived to be an uneasy peace had been signed, and continued to sound the tocsin on every possible occasion.

The peace, he told Dupont, was a mere armistice. In the first moment of revival of a European war, we must again go into it. Therefore we must keep on preparing, fortify our seaports, fill our magazines, train our militia, and above all, establish a sound system of finance. This last preoccupied his attention to the exclusion of almost everything else, and he thought that

several papers of Dupont on the subject ought to be translated and published for the benefit of Americans.[6]

He was indeed almost sorry that the war had ended so abruptly. Though he acknowledged that "pea [ce] is better than war for everybody . . . we were just getting forward a set of officers, who having already redeemed the honor we lost under the traitors cowards and fools of the first year, would very soon have planted our banners on the walls of Quebec and Halifax." [7]

War *did* return to Europe, though not in the way Jefferson had anticipated. Napoleon escaped from Elba, returned in triumph to Paris, and once more the dogs of war bayed all over the Continent. Some good Americans rejoiced; believing that another chance was thus providentially offered them to even scores with England. But Jefferson, for all his former bellicose pronouncements, viewed the event with sober appraisal. "We stood on good ground before," he wrote, "but now on doubtful. . . . If they have a general war we may be involved in it; if peace, we shall have the hostile and ignorant caprices of Bonaparte to regulate our commerce with that country, instead of its antient and regular course." [8]

Yet, in spite of everything, he loved France. "Were it not for my family and possessions here," he told Short, "I should prefer that residence to any other. Paris is the only place where a man who is not obliged to do anything will always find something amusing to do. Here the man who has nothing to do is the prey of ennui. . . . In this country a family for leisure moments, and a farm or profession for those of employment are indispensable for happiness. These mixed with books, a little letter writing, and neighborly and friendly society constitute a plenum of occupation and of happiness which leaves no wish for the noisy & barren amusements and distractions of a city." [9] Perhaps at this moment Jefferson would have preferred a place where a man need have no fixed occupation and nevertheless manage to enjoy himself.

The one bright spot to Jefferson in the deadly fact of Napoleon's sudden reappearance was the contemplation of the forthcoming debacle of the Pope. "The insult which he [the Pope] and the bigot of Spain have offered to the lights of the nineteenth century by the re-establishment of the Inquisition admits of no forgiveness." [10]

He also hated England and Napoleon as eternal disturbers of the peace of the world, and he prophesied that "not in our day, but at no distant one, we may shake a rod over the heads of all, which may make the stoutest of them tremble." But, he added quickly, "I hope our wisdom will grow with our power, and teach us, that the less we use our power, the greater it will be." [11]

His prejudices, however, veered again when he heard the allies were insisting on the restoration of the Bourbons to the throne in France. Now he was willing to take Napoleon rather than the "antient" dynasty; and avowed that the former "Atilla of the age" was "fighting for the indepen-

dance of nations, of which his whole life hitherto had been a continued violation, and he has now my prayers as sincerely for success as he had before his overthrow." [12]

While war clouds thus overhung Europe and threatened to cast their shadows once more over America, Jefferson attempted to add up the advantages of the preceding war. The one firm rock of consolation to which he clung was the removal of American commercial dependence on England. He attributed this happy event in the first place to his own embargo and nonimportation measures, but admitted that the war had hastened it even further. "These," he rejoiced, "have permanently planted manufactures among us." It must be remembered, however, that whenever Jefferson spoke of "manufactures," with rare exceptions he meant only the local economy of the family and the farm, and *not* the great industrial factory system of the cities such as modern times are accustomed to. His next sentences make this distinction crystal clear. "The cities, I suppose, will still affect English fashions, & of course English manufactures. But the cities are not the people of America. The country will be clothed in homespun; and what we shall take from England hereafter, will be as nothing to what we took before the embargo. When you come to see us," he told his friend, Caesar Rodney, "you will find our spinning jennies & looms in full activity, never more to be laid aside." Come, he invited, "and see that we are an industrious, plain, hospitable and honest, altho' not a psalm-singing, people." [13] This last was, of course, a sneer at the New England Calvinists.

He was sorry to hear of the second, and this time final, overthrow of Napoleon. It destroyed, he thought, the mutual cancellation and balance of power in Europe against us, and left us once more the possible prey of the victors who hated the example of our republican form of government. (He thus correctly adumbrated the plots of the Holy Alliance, though he miscalculated England's future role.) It was to prepare for such an eventuality that he kept insisting, Cassandralike, on two measures with which adequately to meet the inevitable day. The first was the reform of the military system through his scheme of militia classification. The second was the reform of the financial system, to take the power of emitting paper money from the banks. "The coining of paper money by private authority," he vehemently declared, "is a higher degree of treason than the coining the precious metals." [14]

Negotiations were still continuing in Paris between the American commissioners and England. Both John Quincy Adams and Gallatin were there, and Jefferson was extremely anxious that they settle the matter of impressments, but *not* to enter into a commercial treaty, "*quod deus avertat.*" The first would mean war again, if no settlement could be arrived at. The second would not. "The depredations on our merchants," he avowed, "I would bear with great patience as it is their desire." Besides, they were covered by insurance, largely taken out in *England.*[15]

Yet, for all his bewailments of vicious men abroad and at home—the foreign tyrants and murderers, and the domestic Federalists for whom, "like bawds, religion becomes to them a refuge from the despair of their loathsome vices," and for whom the halter is not good enough, he never once despaired of the future of the human race. Once obtain for it education and a vision of the truth, and "the condition of man may be ameliorated, if not *infinitely*, as enthusiasm alone pretends, yet *indefinitely*, as bigots alone can doubt." [16]

With his library sold to the national government, Jefferson busied himself with arranging and cataloguing the books for shipment; and, at the same time, beginning the foundations for a new library of his own. Young George Ticknor, who had visited him at Monticello, was leaving for a grand tour of Europe, and Jefferson sent him lists of books to purchase abroad for him. Similar lists went also to booksellers and others with European connections. He had kept for himself only a few of his precious volumes, and the great gaps on his shelves were a constant reproach. His grand aim was to gather for a third time a great collection whose wealth and variety would stir the wonder and admiration of the world. "I cannot live without books," he declared.[17]

The task of arrangement and classification was tedious; particularly since his health was beginning to fail, and his limbs did not bear him with the same resiliency as of old, so that he was compelled to avoid the pleasures of riding and resign himself to being driven around in a carriage.[18]

He attributed his increasing feebleness to the lack of wine. In spite of numerous orders, the unsettled condition of Europe had stopped his sources of supply and his cellars were bare. He therefore sent an urgent call to a Spanish factor at Norfolk to please send him some of the best wine he had. "Wine from long habit," he wrote, "has become an indispensable for my health, which is now suffering by its disuse." [19]

Tragic news also came from distant John Adams. Abigail was "in extremis, forbidden to Speak or to be Spoken to." [20] The thought of his indomitable old friend and antagonist thus unable to speak her mind as in more halcyon days must have affected Jefferson deeply. One by one the companions of his youth and vigorous middle age were dropping by the wayside.

He had been keeping up a steady correspondence with John, and Abigail had on occasion asked to be remembered. The two old cronies reminisced continually over the past, avoiding by mutual consent the controversial days of the Nineties, and harking back to the glorious Revolution.

Adams demanded to know who could write the history of that Revolution, and Jefferson retorted: "Who can write it? And who will ever be able to write it? Nobody; except merely its external facts; all its councils, designs and discussions having been conducted by Congress with closed doors, and no members, as far as I know, having ever made notes of

them." [21] He was wrong; some, at least, of the members (including himself) had taken notes; though, unfortunately, on a limited scale.

But Adams countered with a profound sense of history that the Revolution was *not* the war, which "was only an effect and consequence of it. The revolution was in the minds of the people, and this was effected from 1760 to 1775, in the course of fifteen years, before a drop of blood was shed at Lexington." [22]

Abigail managed to survive for a while her dangerous illness, but her condition and their own several enfeeblements evoked an interesting discussion between the two aged men. Adams was eighty now, and Jefferson seventy-three. Jefferson propounded the question: Would Adams be willing to live his life all over again? Yes, I would, replied Adams; though not forever and ever. And how about Jefferson? [23]

Jefferson was not so sure. Yes, if it meant only the years from twenty-five to sixty; perhaps even a bit earlier. But *not* later. "For at the latter period, with most of us, the powers of life are sensibly on the wane; sight becomes dim, hearing dull, memory constantly enlarging its frightful blank, and parting with all we have ever seen or known, spirits evaporate, bodily debility creeps on, palsying every limb, and so faculty after faculty quits us, and where, then, is life?" Rather than that, "there is a ripeness of time for death, regarding others as well as ourselves, when it is reasonable we should drop off, and make room for another growth." [24] It was not only with respect to contracts and laws that Jefferson felt that one generation had no right to bind the next.

After years of hesitation, Jefferson now leased out the Natural Bridge tract he owned, though he refused to sell it. He regarded that great natural curiosity as "in some degree a public trust, and would on no consideration permit the bridge to be injured, defaced or masked from the public view." [25] One wonders what he would have thought of its current exploitation; "masked from the public view" except on payment of a substantial fee.

A curious incident aroused some reflections on the nature of human credulity. He had begun another of the numerous remodelings of his house at Poplar Forest in August, 1815, just after the news of Napoleon's second downfall reached America. The number of workmen employed and the activity displayed sent a rumor racing like wildfire through the neighborhood that Jefferson was hastily preparing Poplar Forest as a place of refuge for the defeated ruler of France. "Were there such people only as the believers in this," he exclaimed indignantly, "patriotism would be a ridiculous passion." [26]

In spite of his debility, Jefferson started on September 18, 1815, to undertake a task which he had long contemplated, but which was a feat for youth rather than old age. The elevation of the Peaks of Otter, a remarkable mountain group near Roanoke, had long baffled his curiosity, and he was determined before he died to solve the mystery. Taking along a youth-

ful disciple and worshipper, Francis Walker Gilmer, and the botanist Correa, the trio traveled to the Peaks in a vehicle which young Gilmer profanely described as "a mill hopper." [27] But this was mere youthful exuberance; the young man, son of Jefferson's old friend Dr. Gilmer, was, according to Jefferson, "the best educated young man of our state," and had been delighted to accompany the great man and Correa, whom Jefferson similarly described as "being without exception the most learned man I have ever met in any country." [28]

Carrying a theodolite and other surveyor's instruments, Jefferson measured the Peaks while his two friends busied themselves with exploring the botanical specimens of the wooded mountainsides. The trip took five days, and the calculations five more. Returning, Jefferson left the pair at the Natural Bridge to continue their botanizing, while he went on to Poplar Forest. Later, Correa came to Monticello, where Dupont met him; and both men waited in vain for Jefferson to show up.[29]

The end of the war had touched off the springs of a speculative mania that disclosed itself in a sudden rash of new banks and a concomitant issuance of paper money. As fast as the presses could print, the banks threw the paper on the market, and eager Americans indulged themselves in what seemed an endless inflationary spiral.

To Jefferson these were the days of the Revolution all over again, of the South Sea and the Mississippi bubbles of malodorous memories. He knew the fatal consequences and raised his voice in warning again and again. But his jeremiads fell on unheeding ears. The malady, as always, had to run its course and leave a trail of bankruptcies and ruin in its path. "Like a dropsical man calling out for water, water," he exclaimed bitterly, "our deluded citizens are clamoring for more banks, more banks. The American mind is now in that state of fever which the world has so often seen in the history of other nations.... We are now taught to believe that legerdemain tricks upon paper can produce as solid wealth as hard labor in the earth. It is vain for common sense to urge that *nothing* can produce *nothing*." [30]

If his ideas on the efficacy of paper money had not changed in forty years, some of his other earlier convictions had undergone changes that he was frank enough to admit. Such was his earlier stand on manufactures as set forth in his *Notes on Virginia* and which his adversaries were only too pleased to quote continually against him now. These are new times, he defended himself, and when the *Notes* were written, who could have expected the new courses of England and France? "Experience has taught me," he acknowledged in all candor, "that manufactures are now as necessary to our independence as to our comfort." [31]

All in all, however, his political *theory*, if not always his practice, had remained remarkably consistent during the years. He still firmly believed that "the way to have good and safe government, is not to trust it all to

one, but to divide it among the many, distributing to every one exactly the functions he is competent to." In other words, the national government should be entrusted with foreign and federal relations and matters of defense. The state governments should handle civil rights, police and their own internal affairs; and the counties and wards matters pertaining to themselves. "It is by dividing and subdividing these republics from the great national one down through all its subordinations, until it ends in the administration of every man's farm by himself; by placing under every one what his own eye may superintend, that all will be done for the best." Liberty could only be destroyed, he was convinced, when *all* power was concentrated in a single man or single body.

After sending these observations off to his friend Cabell, he appended some private addenda to his own copy. They were animadversions on the nature of the Judiciary, a body of which he stood in mortal fear that the autocracy of the future might develop. "Our republic," he now wrote, "is founded on the principle that the people are the source of all powers, & the safest depository of such as they are competent to exercise." He admitted that they were not sufficiently competent to appoint judges of the *law*, but as judges of the *fact* he considered them supreme. Thereby he thought he had found a way to balance the unrestricted authority of the law judges. Let jurors be *elected*, he jotted down, reverting to an earlier idea of his, and be wholly independent of either judges or other branches of the government. The freedom of the jury, he was certain, would counterbalance the power of the judiciary.[32]

But he realized that some of his ideals of government were very likely vain dreams. "A government regulating itself by what is wise and just for the many, uninfluenced by the local and selfish views of the few who direct their affairs," he admitted, "has not been seen perhaps, on earth." [33]

This somewhat gloomy view did not, however, prevent Jefferson from seeking always the best methods of setting up a government that would safeguard the rights of every citizen and be responsive to his control. He understood thoroughly that a "pure" republic was impossible on the scale of the United States (though he had denounced Montesquieu for saying somewhat the same thing) and that a representative government must necessarily be complex, have indirect controls, and adopt a series of checks and balances to arrive approximately at its chief object.

Looking back over the turbulent history of his country and its evolution since the first flush of the Declaration of Independence, he now committed to paper his rounded philosophy of government in one of the most important private letters he ever wrote.

The subject of equal representation had become a burning issue in the politics of Virginia, and a man named Samuel Kercheval sought the opinion of the sage of Monticello on the matter. Jefferson seized the occasion to deliver himself of some of his ripest thinking.

He had always been in favor of equal representation, he replied, and

cited in evidence the constitution he had once sought to draft for the benefit of his native state. But the constitution that *had* been adopted, and succeeding ones, "had really no leading principles in them." The matter of representation was a case in point. The House of Delegates, for example, was chosen by less than half the people of the state (and by *people* Jefferson meant free white adult males); the Senate was even more narrowly chosen and for "long terms of irresponsibility"; the Governor, appointed by the Assembly, was altogether independent of the people; and so was his Council. As for the Judiciary, the judges of the higher courts "are dependent on none but themselves"; while the justices of the inferior courts are self-chosen, hold office for life and select their successors.

How amend this undemocratic state of affairs? It was not really as difficult as some pretended, thought Jefferson. "Only lay down true principles," he asserted, "and adhere to them inflexibly. Do not be frightened into their surrender by the alarms of the timid, or the croakings of wealth against the ascendancy of the people." Whereupon he proceeded to lay down those principles as he conceived them.

"The true foundation of republican government," he wrote, "is the equal right of every citizen, in his person and property, and in their management. Try by this, as a tally, every provision of our constitution, and see if it hangs directly on the will of the people. Reduce your legislature to a convenient number for full, but orderly discussion. Let every man who fights or pays, exercise his just and equal right in their election. Submit them to approbation or rejection at short intervals. Let the executive be chosen in the same way, and for the same term, by those whose agent he is to be; and leave no screen of a council behind which to skulk from responsibility." Jefferson was willing, however, to omit *law* judges from this general scheme of direct elections. In their case, he agreed, there might be some doubt as to the competency of the people to decide.

The wards or townships, furthermore, should be granted a large measure of autonomy. They are "the vital principle of their governments, and have proved themselves [in New England] the wisest invention ever devised by the wit of man for the perfect exercise of self-government, and for its preservation." Once again he proposed his division of powers among nation, state and townships; and their cement in the personal participation of the individual citizen.

"I am not among those," he added in all sincerity, "who fear the people. They, and not the rich, are our dependence for continued freedom. And to preserve their independence, we must not let our rulers load us with perpetual debt. We must make our election between *economy and liberty*, or *profusion and servitude*."

Nor were constitutions sacrosanct, "like the arc of the covenant, too sacred to be touched." There had been no superhuman wisdom among the writers of former constitutions. "I knew that age well; I belonged to it, and labored with it," he avowed proudly. "It deserved well of its country";

but it was not different from the current generation, except in one important respect. It had less experience. "Forty years of experience in government," declared Jefferson sweepingly, "is worth a century of book-reading; and this they would say themselves, were they to rise from the dead."

This did not mean, however, that there should be frequent changes in laws and constitutions. Moderate imperfections ought to be borne with and adjusted to. "But I know also," he added, "that laws and institutions must go hand in hand with the progress of the human mind. As that becomes more developed, more enlightened, as new discoveries are made, new truths disclosed, and manners and opinions change with the change of circumstances, institutions must advance also, and keep pace with the times. We might as well require a man to wear still the coat which fitted him when a boy, as civilized society to remain ever under the regimen of their barbarous ancestors."

Here, in short compass, was the crux of Jefferson's philosophy and matured wisdom. Wrapped in its own mantle of thesis—that man grows ever more wise and that the indefinite passage of years brings in its train indefinite progress—is a profound kernel of truth: that each age must find its own institutions and laws appropriate to its own circumstances. The danger, of course, in spite of Jefferson's previous disavowal, lay in a too easy readiness to rid each age of "the regimen of their barbarous ancestors." This tendency becomes explicit in Jefferson's next proposal; based as it is on that ancient fallacy of his, that a generation lasts only nineteen years, and that no generation has a right to bind succeeding ones.

A constitution, he declared, ought to provide for its own revision at stated periods; and that period, he insisted, was nineteen years. Let this new generation, therefore, "choose for itself the form of government it believes most promotive of its own happiness . . . and it is for the peace and good of mankind that a solemn opportunity of doing this every nineteen or twenty years, should be provided by the constitution. . . ." And he pointed out that the *Virginia* constitution had largely been in effect for forty years.

"These, Sir," he ended this famous letter, "are my opinions of the governments we see among men, and of the principles by which alone we may prevent our own from falling into the same dreadful track." [34]

With his usual fear of consequences, he asked that the letter be not published; but, as too often happened, it shortly became a matter of common knowledge and even, so Jefferson heard, was in the hands of a printer for publication in connection with the proposed Constitutional Convention. In great alarm, he wrote to Kercheval beseeching him to recall the letter and all copies. He did not wish, he asserted, to become involved in any partisan politics. If his fellow citizens preferred the present constitution, he was willing to live under it for what little of life remained to him.

"I again throw the quiet of my life on your honor," he ended in much perturbation.[35]

He was, indeed, forever writing letters on controversial issues, beseeching that they be not published, and finding them later, to his dismay, in print and the subject of angry attacks.[36]

He was also beginning to complain bitterly of the multiplicity of his correspondence, and determining to curtail it. "This keeps me," he wrote sadly, "at the drudgery of the writing-table all the prime hours of the day, leaving for the gratification of my appetite for reading, only what I can steal from the hours of sleep." [37] Yet, in spite of his increasing complaints, he never could resist the fascinating, if arduous sessions at his "writing-table"; a deplorable practice for which his biographers must be eternally grateful.

Jefferson's religious beliefs constituted one of the delicate subjects concerning which he lived in constant fear that they might fall into the hands of his enemies. He was willing to avow them fully and frankly to his closest friends; but he avoided any discussion of them with strangers. To his old friend Thomson he felt at ease in declaring that the doctrines of Epicurus constituted "the most rational system remaining of the philosophy of the ancients"; [38] but to most others he presented an impenetrable front. "I have ever thought religion," he declared with almost monotonous regularity, "a concern purely between our god and our consciences, for which we were accountable to him, and not to the priests. I never told my own religion, nor scrutinized that of another. I never attempted to make a convert, nor wished to change another's creed. I have ever judged of the religion of others by their lives . . . for it is in our lives, and not from our words, that our religion must be read. By the same test the world must judge me." [39]

He was similarly reticent about writing his memoirs, as so many urged him to do. Possessed as he was of a sense of history perhaps unexampled in his day, he nevertheless shrank from committing nakedly to the public scrutiny his estimates of men and affairs and the evidences and convictions of his own career. He feared to stir up the sleeping dogs of controversy and to expose himself to the fierce assaults and twisted interpretations of his former opponents. He pleaded his stiffening wrist (the one he had broken in France and which, with increasing age, was to plague him more and more), and he insisted that there was sufficient material for the historian in his public papers as they existed in the public offices.[40] He was willing enough, however—arguing from the meticulousness with which he kept every scrap of paper—to be judged after his death on the basis of his entire correspondence, public and private.

Meanwhile, in spite of his wrist and the numerous calls upon his time and attention, Jefferson took up the various manuscripts that Destutt Tracy

had sent him, and sought to bring them to the attention of the world. Tracy's treatise on Political Economy had come into his hands in 1812, and he had then turned it over to Duane for translation and publication. After a two-year interval, Duane declined to publish, though he had had the French translated. Jefferson paid for the alleged translation; but when it came into his hands he found it abominably wretched. Thereupon he undertook the task of revising the English.

He devoted to this labor of love some five hours every day for several months and, when finished, wrote a preface or prospectus to be used anonymously in connection with its publication. The revised translation was sent to a printer in Georgetown, Joseph Milligan, who agreed to publish. But so many delays intervened that he sought another printer and tendered it to Thomas Ritchie, editor of the Richmond *Enquirer*, only to discover to his embarrassment that Milligan was now ready to go ahead with it. In 1817, after much trouble and difficulties, the volume finally appeared, with neither Tracy's nor Jefferson's name attached. Jefferson admitted the trouble, but declared to Dupont that he "would have gone thro' ten times more to procure for the world the publication of this inestimable volume." [41]

Alas, the American people passed the "inestimable volume" unheeding by. Jefferson was never able to infect his friends with his own unbounded enthusiasm for the genius of the Frenchman. It is no wonder then that in his anger he accused his fellow countrymen of a total ignorance of the branch of science known as Political Economy, and sought unweariedly to lighten the darkness in which they were so contentedly swathed.[42]

But Jefferson's own limitations are nowhere better set forth than in the estimate of Tracy's work he tendered to John Adams. He had not been able to read entirely through the basic volumes on Ideology that Tracy had written, since, he acknowledged, "I am not fond of reading what is merely abstract, and unapplied immediately to some useful science." [43]

CHAPTER 69

Triumph of the University

JAMES MADISON served two terms as President and, in accordance with the rule laid down by Jefferson, was ready to retire to private life. He was not too averse to the prospect; his administrations had encompassed an inglorious war and there was general agreement, except among his most loyal followers, that he had not been a great President. The uneasy patience which James Monroe had exhibited over his own discard some eight years before was now vindicated, and the caucus of Republican Congressmen whose mandate was usually accepted as a nomination, chose him as the Republican standard-bearer by a fairly close vote over the rival pretensions of William H. Crawford. Monroe later found it expedient to give Crawford the post of the Treasury in his Cabinet. The nomination, in view of the completely disorganized condition of the Federalists, was tantamount to election; so much so, indeed, that Jefferson hardly found it worth while to refer to the campaign in any of his letters.

He preferred rather to engross himself in general principles and in adopting a world view. The South American colonies had finally erupted into their long threatened revolt against Spain; and Jefferson, in spite of agitation to the contrary, thought it unwise to give them any military assistance *until* we ourselves had gone to war with Spain for other reasons. Surprisingly, however, he hoped that, when victorious, South America would not form a single confederacy, but would split into several groups. The reason he gave is illuminating. "In a single mass," he frankly avowed, "they would be a very formidable neighbor." If divided into three parts, as he thought their geography indicated, the United States might then be "the balancing power." [1]

Yet he viewed their struggles with a sympathetic eye, and when the enthusiastic Dupont drafted a plan of a constitution for the "Equinoctial republics," Jefferson soberly rebuked it as undemocratic. "We both consider the people as our children, and love them with parental affection," he observed. "But you love them as infants whom you are afraid to trust without nurses; and I as adults whom I freely leave to self-government." [2]

But this conception of self-government was strictly as a representative and not a pure democracy. The latter, he believed, could only work usefully in a small town or ward meeting. It was on that basis that he disputed Montesquieu, and insisted that a republican, representative structure could be applied to large areas. In fact, the larger the area, the more solid would be the structure, provided it "was founded, not on conquest, but in prin-

ciples of compact and equality." [3] Europe, by disobeying these principles, was "returning to Gothic darkness while the mass of ours is advancing in the regions of light." [4]

Because of this, to him, essential difference he also dismissed as useless "almost everything written before on the structure of government." In particular he saw little reason now for reading Aristotle's *Politics*. Aristotle and others of his time "knew no medium between a democracy (the only pure republic, but impracticable beyond the limits of a town) and an abandonment of themselves to an aristocracy, or a tyranny independent of the people." They had no conception of a *representative* "republican, or popular government, of the second grade of purity." That experiment was reserved to the American people.[5]

In this new vision for America, he even lost some of his ancient hatred for the great enemy, England. The Capitol at Washington, burnt to the ground by an English raid, was being rebuilt, and Monroe asked his advice as to an inscription to be carved on its front. Jefferson first suggested: *Founded 1791.—Burnt by a British army 1814.—Restored by Congress 1817.* (After World War I, an inscription of almost similar terrible brevity was placed over the restored library at Louvain.) But, with the Caesarian phrase once coined, Jefferson reconsidered. Why should there be any inscription at all? he inquired. Without it England would suffer a sufficient "immortality of infamy for the barbarity of the act." True, we had "more reason to hate her than any nation on earth." But she was falling from her high estate—or at least so Jefferson thought. He did not wish her to become totally eclipsed, or absorbed into the body politic of another nation, so that their combined strength would constitute an object of dread to all nations, and the United States in particular. Rather, he wrote, let her be on a par, or *nearly* on a par with other nations. Let us therefore, amid these gloomy prospects for England, no longer seek to perpetuate hatred against her; let us "prepare the minds of our citizens . . . by acts of comity towards England rather than by commemoration of hatred." [6]

This magnanimity, based on reports that a powerful European alliance was forming in opposition to England, and of internal discontent, was praiseworthy enough; but the object of pity was soon to dispute all reports of her demise as "greatly exaggerated."

One death, however, had not been exaggerated. Jefferson's "antient friend" Mazzei died in Italy. Jefferson grieved sincerely; but found himself involved in complicated financial difficulties as a result. Mazzei had given him power of attorney over his Virginia holdings before he left for Europe, never to return. Jefferson sold them at a profit but, the War of 1812 intervening, found it impossible to remit the proceeds abroad. As Jefferson was later to narrate it for the benefit of Mazzei's heirs, he considered any bank as an unsafe depository and therefore found a *safer* investment for the fund ($6,342) by lending it to himself. Since 1813, he had been faithfully remitting 6 per cent interest to the heirs; but it seems

that they were now demanding the principal. This he could not send, giving as excuse his usual tale of hard luck, bad times and crop failures. As late as 1820 he was still repeating the weary story.[7]

The flood of correspondence that invaded Monticello from friends, politicians and pseudo politicians, aspirant authors, inventors, the seekers after autographs and the merely curious brought continual cries of anguish from Jefferson and finally caused him to explode. "No office I ever was in," he exclaimed to Burwell, "has been so laborious as my supposed state of retirement in Monticello. Unable to bear up longer against it, either in body or mind, I am obliged to declare myself in *a state of insurgency*, and to assume my right to live out the dregs of life at least, without being under the whip & spur from morning to night." [8]

He even authorized one correspondent to publish to the world his plea for mercy from would-be correspondents; but the plea had little effect. The letters continued to roll in; and Jefferson, groaning and complaining, still replied. He had not the temperament or the will power to do what Adams advised him to do: not to answer, or to give "gruff, short, unintelligible misterious, enigmatical, or pedantical answers." But then Adams realized this was impossible for Jefferson, "because it is not in your nature to avail yourself of it." [9]

As a result, Jefferson found little time for any sustained reading, and exclaimed in envy over Adams's proud record of forty-three volumes in a year, "twelve of them quarto!" The results of decades of religious reading ended for Adams in four pithy words: "Be just and good." To which Jefferson, assenting, added: "What all agree in, is probably right. What no two agree in, most probably wrong." [10]

Of the two old philosophers, there is no doubt that Adams was the tougher minded, and Jefferson the more tender. Criticizing Tracy's volume, which Jefferson had sent him, Adams inferentially criticized Jefferson too. "He all along supposes," snorted the sage of Braintree, "that Man are rational and consciencious creatures. I say so too: but I say at the same time that their passions and Interests generally prevail over their Reason and their consciences: and if Society does not contrive some means of controce[p]ting and restrain[in]g the former the World will go on as it has done." [11]

But Jefferson preferred variety and difference to restraint, whether by Society with a capital S, kings or a priesthood. "It is a singular anxiety," he unbosomed himself to another old friend, Charles Thomson, "which some people have we should all think alike. Would the world be more beautiful were all our faces alike? were our tempers, our talents, our tastes, our forms, our wishes, aversions and pursuits cast exactly in the same mould? If no varieties existed in the animal, vegetable or mineral creation, but all move strictly uniform, catholic & orthodox, what a world of physical and moral monotony it would be! These are absurdities into which

those run who usurp the throne of God and dictate to Him what He should have done." [12]

He himself had changed his opinion in at least one respect. Whereas in earlier years he had conceived the labor of the agriculturist the only true source of wealth for a nation, and that of the manufacturer as an excrescence operating on dead materials, he now acknowledged that he had seen but half the picture. "The inventions of latter times," he admitted, "by labor-saving machines, do as much now for the manufacturer, as the earth for the cultivator." In one respect, however, he remained unreconstructed. Are dollars and cents, he demanded, "to be weighed in the scale against real independence?" [13]

The election had come and gone, and Monroe assumed the mantle that Jefferson and Madison had worn. Jefferson congratulated him in brief language, and suggested a list of excellent wines for his Presidential table, and the agent, a Mr. Sasserno, from whom he could order them. "By the bye," he added as a carefully casual afterthought, Mr. Sasserno would like to be appointed as Consul at Nice. Monroe promptly consented.[14]

During the first days of Monroe's administration Jefferson did not intrude his advice on the management of government with the same freedom he had employed with Madison. Perhaps he was now longer away from the helm; perhaps he felt under some constraint with Monroe as a result of the long misunderstanding between them. In any event, his suggestions were fewer and Monroe, except on certain notable occasions, did not voluntarily seek his advice. Other times, other problems.

When Monroe vetoed a Congressional bill providing federal aid to canals, roads and education, Jefferson's comments were directed to Gallatin rather than to the President. He approved of the veto; yet he was also happy that Congress had passed the bill and thus brought the whole matter sharply to the attention of the States. The whole difference that now existed between the Federalists and the Republicans, he declared, lay in the interpretation of the "general welfare" clause in the Constitution. The former pretended the clause gave unlimited powers to Congress to provide for the general welfare; the latter insisted that those powers had been specifically enumerated. With the distinction thus again brought into public view, he believed it would be settled once for all.[15]

More and more, however, he was now becoming immersed in what became the consuming interest of his final years and the crowning capstone of a long and fruitful life. The scheme of education on which he had worked and dreamed for over forty years was at last taking shape and form.

To Jefferson the problem of education had two prongs. One related to a state-supported elementary education available to all; the second proposed an institution of higher learning for the capable few, to which poor young

men of exceptional ability could be sent at the public expense, while those of means would pay their own way.

Both prongs were equally important to him; but only the second was realized in his lifetime. Nevertheless, in the beginning, the prospects looked bright for the first as well. In 1810, under Jefferson's proddings, Virginia had established a "Literary Fund" chiefly directed to elementary education. Originally limited in its income to forfeitures, escheats and fines, in 1815-16 the debt of the national government to Virginia was added to the Fund; raising the total available by the end of 1817 to the very respectable sum of a million dollars. A board of public officials was designated as the Directors.

At the beginning of 1816, the Assembly asked the Board to submit recommendations for a scheme of public education. Jefferson's plan, as outlined in his letter to Peter Carr, was used with good effect to color the thinking of the Board. Their report, submitted on December 6, 1816, followed Jefferson's ideas pretty closely, with one important exception. Whereas he placed all three branches of his system on an equal footing insofar as state aid was concerned, the Board, with more practical wisdom, created a series of priorities. The fund was to be used first for elementary schools, next for the academies or colleges, and only if there were a residue, was it to be applied to the university.

A bill framed on this epoch-making report actually passed the House of Delegates, but the more conservative Senate defeated it on the grounds that such a vast expenditure of money ought to be submitted for approval to the vote of the people.

Joseph C. Cabell, who had been piloting the various bills through the Assembly, now called on Jefferson to submit a new bill for its consideration on the subject of elementary education. On September 9, 1817, Jefferson completed the task and sent a copy to Cabell with a note of apology for the style in which he had drafted it. But, he declared, "I dislike the verbose and intricate style of the modern English statutes, and in our Revised Code I endeavored to restore it to the simple one of the ancient statutes. . . . I suppose," he added wryly, "the reformation has not been acceptable, as it has been little followed." [16]

It might have been better, perhaps, had he cloaked his ideas in the usual jargon, and so hidden from too close scrutiny some of the fundamental ideas of his plan. In essence, however, it followed all the various drafts he had been unweariedly making for the past forty years.

The very first clause, indeed, was calculated to rouse the wrath of the larger religious denominations. He provided for the appointment of "three discreet and well-informed persons" in every county to serve as Visitors of the Elementary Schools; but specifically barred "ministers of the gospel of any denomination" from appointment. In spite of an ingenuous footnote that thereby he sought to avoid the jealousy of the sects whose ministers had not been chosen, it was obvious to all that what Jefferson really in-

tended was to keep religion and religious influences altogether out of any scheme of public education.

Each county was to be divided into wards, based on a population sufficient to furnish a company of militia. Indeed, Jefferson intended this system of wards to become the organic element in the administration of government and of the militia of the state.

On an appointed date, all free white male citizens were to meet and vote on the location of the school, the method for erecting it, and whether it should be built by a contribution of money or by joint labor. If by joint labor, those already liable to highway work would be employed on the venture. If by cash, all property owners would contribute in proportion to their regular taxes.

The Visitors were to employ teachers, and the course of instruction included reading, writing, numeral arithmetic and geography.

Free instruction would be furnished to those who had not already had three years of schooling, and thereafter for all from the ages of twelve to fifteen. No one, he decreed, who at the age of fifteen and not mentally disabled, could not "read readily in some tongue, native or acquired," would be considered a citizen of the state.

Once again the question of religion arose, and Jefferson made his intention extremely plain. "No religious reading, instruction or exercise," he wrote, "shall be prescribed or practiced inconsistent with the tenets of any religious sect or denomination." Thereby he rendered any religious instruction impossible, except for possible courses in general morals and ethics.

Having thus disposed of the elementary schools, he next directed his attention to the "colleges"—in modern parlance, high schools. The state was to be divided into nine collegiate districts, each with its own Board of Visitors. Substantial buildings were to be erected, at a cost of not more than $7,500 each.

Two Professors would be attached to each college; one for the classical languages, the other for all other branches of learning. Both the cost of the buildings and the salaries were to be paid out of the Literary Fund.

The University, however, the apex of the pyramid, provided an unusual problem. To placate all parties, Jefferson suggested two alternatives: the first for an independent University to be established as the legislature might decide; the second for its establishment in Charlottesville by a conveyance of the properties and rights of Central College, in whose erection Jefferson had been so deeply concerned. Actually, Jefferson ardently desired the adoption of the second alternative; but he bowed to the known resentment of William and Mary and of other sections of the state to that location.

The University government lay in the hands of a Board of eight Visitors, and Jefferson's plan for choosing exceptionally able poor boys for five years' free education in the University followed the method he had re-

peatedly set forth in earlier documents. The expense of such scholarships was also to be borne by the Literary Fund.[17]

After the dispatch of this lengthy and carefully formulated plan, Jefferson bethought himself that perhaps it ought not to be known that he had been its chief architect—particularly of those sections which offered his own Central College as the State University. He therefore wrote to Cabell to omit his name in any discussion of it. He did not wish, he added gratuitously, to be considered as meddling in public affairs.[18]

The bill, as Jefferson wrote it then and later expanded, sought to make *elementary* education the charge of the local communities, and only the higher branches were to be state-supported. He feared that any attempt to make the lower schools similarly state-endowed would defeat the entire scheme. The expenses entailed for elementary education—certainly when compounded with the cost of the colleges—would completely exhaust the authorized Literary Fund, and leave his beloved University without a penny for operation. There was much more chance, he rightly believed, of getting the local citizenry to pay for the support of elementary schools than to obtain their funds for the University. "I have always found it best," he told Cabell, "never to permit a rational plan to be marred by botching." [19]

But his scheme of things immediately encountered strong opposition in the Assembly. It was there felt that whatever was to be done ought to be kept wholly within the limits of the moneys available in the Literary Fund, without casting any extra burden on the taxpayers; and, as has been indicated, there was much resentment against the idea of a new University, both from the vested interests of William and Mary and from those who wondered audibly why *Charlottesville* should win the prize.

So close was the division, that Jefferson called on Monroe to add the weight of his name to the plan; while he bombarded Cabell with requests for information as to the progress of the bill. "I have only this single anxiety in this world," he explained with some pathos. "It is a bantling of 40. years birth & nursing, & if I can once see it on its legs, I will sing with sincerity & pleasure my nunc demittas [*sic*]." [20]

Cabell reported that those in Richmond with whom he conferred were unanimous for a university and pretty much in agreement on the colleges, but that there was vehement dispute on the practicability and expediency of the elementary schools. They also advised, as a matter of practical politics, to leave out those prohibitions which involved ministers of religion and religious instruction.[21]

The crosscurrents, therefore, were innumerable and threatened to wreck the entire scheme. As a matter of fact, the bill failed of passage in the lower House on February 11, 1818. Instead, a substitute bill proposed by a delegate from King William County, which restricted the use of the Literary Fund to the education of the poor, and provided that the moneys be distributed by the state to the several counties as a bounty for charity schools,

was adopted instead. Cabell commented bitterly that the disposition was merely to lay out a small sum for the charity schools, and use the rest of the Fund to pay the state debts.[22]

With his whole grandiose plan thus toppling about his ears, Jefferson regretted that he had ever meddled with the bill at all, and was thankful that Cabell had managed to keep his name out of the public eye. "There are fanatics both in religion and politics," he declared bitterly, "who without knowing me personally have long been taught to consider me as a rawhead & bloody bones." [23]

Something, however, was salvaged from the wreck. In the Senate, when the substitute bill came up for consideration, a last-minute rally of Cabell and his friends managed to graft onto it a provision for a University which, passing the Senate, was later agreed to by the House. As it stood in the final law, $45,000 a year was subscribed for the education of the poor, and $15,000 for the benefit of a University.[24]

On the face of it the victory was a Pyrrhic one, for not only were the colleges wholly omitted, and the plan for a comprehensive system of elementary education completely ruined, but the amounts actually voted for maintenance were so piddling as to be wholly without effect.

Nevertheless, if the general public schools were irretrievably lost, the mere fact that the *idea* of a University had been graciously accepted was sufficient to furnish the impetus for the final erection of the University of Virginia.

Central College at Charlottesville had occupied Jefferson's best efforts for some time. Originally planned as the Charlottesville Academy, the name had been changed to Central College in 1816, and a distinguished Board of Visitors placed in charge, including Jefferson, Madison, Monroe, Cabell, David Watson and John Hartwell Cocke. Petitions were submitted to the state legislature for funds, but without success.

Jefferson, however, though ostensibly preoccupied with the College as such, secretly intended it as the nucleus for his more ambitious scheme of a State University. It was for that reason he inserted in his bill the proposition that the College's current assets *might* be used for the benefit of the proposed University.

With a University given at least official lip service, the proponents unweariedly continued their exertions. The final decision as to the location of the University was left to a board of twenty-four Commissioners appointed by the Governor and his Council. The Commissioners, of whom Jefferson was one, met at Rockfish Gap from August 1st to 4th, 1818.

Three sites were debated for the location of the new State University —Staunton, Washington College at Lexington, and Central College at Charlottesville. The first two were favored by the western folk as being closer to themselves and because they suspected that the site of the University would also eventually become the capital of the state. Jefferson's old

idea of placing the capital at the geographical and population center was coming home to roost. The advocates of William and Mary sought for their own part to throw obstacles in the way of the entire scheme as sealing the doom of that ancient institution.

Jefferson, however, in spite of the fact that he himself was a graduate, had nothing but contempt for William and Mary in its present moribund state. When young Francis Gilmer was offered his choice of either the presidency or a professorship there, Jefferson dissuaded him. "I trust you did not a moment seriously think of putting yourself behind the door of W. & M. College," he wrote. "A more complete cul de sac could not be proposed to you." He advised Gilmer rather to go into the legislature, where his talents were most needed, particularly at the next session when the project of the University would come on the floor again.[25]

Though suffering from a severe attack of rheumatism, Jefferson fought strenuously at Rockfish Gap to convince his fellow Commissioners not only that Charlottesville was the ideal spot for the University, but that it was actually the geographical and population center of the state. At a critical moment in the discussion, he triumphantly spread a map he had prepared across the table, and "proved" by lines he had drawn that everything converged on Charlottesville. He was ready for everything. In his portfolio he had also a complete set of plans for proposed buildings, for courses of instructions and even a system of rules for the governance of the students.

Under such a concentrated assault the Commissioners at length yielded by a vote of 16 to 5, and Central College was chosen. Even Jefferson's plans and rules were adopted. It was a complete victory, and a Report was drawn substantially as Jefferson wrote it, later to be printed in pamphlet form.[26]

The triumph had barely been won when Jefferson hastened to Warm Springs to seek relief from the rheumatism that crippled him throughout the proceedings. Somehow, Jefferson never took kindly to the use of healing waters. Once before, at Aix in France where he sought to mend a broken wrist, he had quit in disgust. Now again, at Warm Springs, after a few days' stay, he left for home, claiming that the company was dull, that the waters had "prostrated" his health, produced "imposthume, eruption with fever, colliquative sweats and extreme debility," as well as boils on his "seat." No wonder, with such a portentous array of symptoms, he found the long, jolting journey home exhausting. The only salve to the whole sorry business was the friendship he struck up at the Springs with Colonel William Alston, who turned out to be the father of Burr's son-in-law![27]

Cabell received the Report of the Commissioners at Richmond on November 20, 1818, immediately printed it and placed copies in the hands of the legislature. It met with much admiration and a bill was promptly introduced on the strength of it. But the proponents of the other sites fought back, both in committee and on the floor, and even sought to cast doubts

on Jefferson's map of "centrality." Indeed, they were willing to let the whole idea of a University drop rather than yield the palm to Charlottesville.

Though himself ill, Cabell proved a tower of strength, rallied his forces and, on January 18, 1819, the House voted convincingly by 114 to 69 to utilize Central College. Whereupon a delegate from one of the embittered western counties rose to appeal for unanimity and the sinking of mere local prejudices. So effective was his plea that the bill as a whole passed the following day by an overwhelming vote of 141 to 28; and the Senate followed suit even more overwhelmingly on January 25th with a vote of 21 to 1.

The University was at last an official fact, and Charlottesville was its site.

Jefferson had not waited for the final decision to begin his plans for the University of Virginia. As soon as the more modest scheme for Central College had unfolded early in 1817, his imagination soared and his fingers itched for the drawing board. In his mind's eye he saw not only the College, but the town of Charlottesville itself and the surrounding neighborhood elevated and reformed from their present "barbarous workmanship" to an estate of architectural dignity.[28]

The moment the land for the College was purchased, he personally staked out the grounds, made a survey, and proposed to build immediately a pavilion to house at least the first professorship in languages, so as to be able to begin instruction by the spring of 1818.[29]

The pavilion took shape and form on the drafting board. It was to be a two-storied building, of mixed Tuscan and Doric architecture, with dormitories and a Tuscan colonnade attached on either side. But already Jefferson was planning a whole range of buildings, of eight similar pavilions, with a covered way extending along the entire front, arched and porticoed. He gave exact dimensions, sketched out cornices, frieze, architrave, columns and shafts, all in rough red brick, in a mingled style that combined the Doric, Corinthian and Tuscan orders, and echoed such classical buildings as the Theater of Marcellus, the Fortuna Virilis, the Baths of Diocletian and the Temple of Trajan, as he found them in his architectural Bible, Palladio.

Jefferson was no mere copyist, however. He modified and transmuted to gain new effects. He thought the Attic style in the pilasters of Trajan's Temple entirely too overloaded with ornaments, and therefore simplified the moldings so as "to suit our plainer style, still however retaining nearly their general outlines and proportions."

But as he worked, his enthusiasm soared. He would have a Library, but such a Library as had never been seen before. It would be topped by a Rotunda, the concave ceiling of which would be painted "sky-blue and spangled with gilt stars in their position and magnitude copied exactly from any selected hemisphere of our latitude." It would in fact constitute a planetarium, with an ingenious movable seat swung high, from which an

operator could mechanically control the position and location of the painted constellations for the delectation and wonderment of the assembled students. The drawings were architecturally precise, the directions for building meticulous, and the mathematics of the mechanism worked out in detail.[30]

If his plans for the material aspects of the College were ambitious, his ideas for the educational aspects were equally soaring. He did not intend, he avowed, to be content with mediocrity; the professors, both in languages and the sciences, must be "of the first order.... Ours shall be second to none on the continent." [31]

Nor did he rely on his own ability alone. He sought the advice and aid of the best architects in the country, William Thornton and Benjamin F. Latrobe, even though he had quarreled violently with the latter during his Presidency over the operations in Washington.

To Latrobe he explained his purposes in detail. "Instead of building a magnificent house which would exhaust all our funds, we propose to lay off a square, or rather 3. sides of a square about 7. or 800 f. wide, leaving it open at one end to be extended indefinitely. On the closed end, and on the two sides we propose to arrange separate pavilions for each professor & his school. Each pavilion is to have a school-room below, and 2. rooms for the Professor above; and between pavilion and pavilion a range of Dormitories for the students, one story high, giving to each a room 10. f. wide & 14. f. deep. The Pavilions about 36. f. wide in front, & 24. f. in depth.... The whole of the pavilions and dormitories to be united by a colonnade in front, of the height of the lower story of the pavilions & about 8. f. wide under which they may go dry from school to school. The top of the dormitories to be flat.... Now what we wish is that these pavilions... should be models of taste and correct architecture, and of a variety of appearance, no two alike, so as to serve as specimens of 1. orders for the architectural lectures." [32]

Both Latrobe and Thornton responded with sketches and suggestions; but the chief new feature came from Latrobe, who placed the main dome in the center of the group, flanked on each side by the lines of pavilions.[33] Jefferson had already conceived the idea of the domed library, but had not yet decided where to place it, and he accepted Latrobe's idea for its dominating position.

With these additional conceptions on hand, Jefferson proceeded full speed ahead. Unfortunately, his own three copies of the master, Palladio, had gone with his collection of books to the Library of Congress; and he asked Madison in his retirement to lend him his copy for about a year. Madison graciously complied. For all Jefferson's haste, however, the first pavilion which he had hoped to complete for spring occupancy would not be ready in time because of "the sloth and discord of our workmen." [34]

Indeed, trouble arose in several directions. The matter of filling the professorships with first-class men was not as easy as Jefferson had anticipated.

He asked his friend, Dr. Thomas Cooper, to take the chair of chemistry and the physiological sciences and, in addition, to teach the classical languages until a permanent professor could be hired. But Cooper was reluctant, frankly avowing that the demands of his family forced him to go where his financial advantage would be greatest. After a considerable correspondence, during which he intimated that William and Mary College was negotiating with him, he finally accepted and agreed to come to Central College in the midsummer of 1818.[35]

Within two months, however, Jefferson's hopes were dashed. Cooper had changed his mind and thought it likely he would go to the Medical School in Philadelphia, where the chair of chemistry would pay him the enormous sum of $7,000 a year (or so he said), instead of the beggarly $1,000 that Central College could afford. Also, the first enthusiasm for the College had faded, and the stream of subscriptions was rapidly contracting to a mere trickle.

But Jefferson refused to become discouraged. His optimism was as buoyant as ever. Progress was his eternal watchword, and the expansion of the human mind. "I am not of the school," he declared, "which teaches us to look back for wisdom to our forefathers. From the wonderful advances in science and the arts which I have lived to see, I am sure we are wiser than our fathers & that our sons will be wiser than we are." [36]

Cooper's fabulous offer from Philadelphia proved mythical; and he later resumed negotiations with Jefferson, demanding $1,500 but at the same time cannily keeping the door open for the acceptance of the $1,000 pittance originally offered.[37] By this time Jefferson himself was beginning to play coy. It had been decided, he wrote back, to concentrate on finishing the buildings first; but, if Cooper wished, he would place him in charge of a preparatory school, and provide him with an usher.[38] The proposal was wholly mortifying to the reluctant scholar, and he turned it down; proposing, however, a Mr. Stack for the position "as the best classical teacher in America."

By this time—May, 1819—it was obvious that all dates for the opening of the University had been premature, and that the classical school as a nursery for the higher institution ought to be opened at once. Stack, therefore, was offered and accepted the post; and twenty students were enrolled.[39]

Meanwhile, work went ahead on the University proper. Jefferson hired two Italian sculptors from Leghorn through the good offices of the American consul there, and brought them under contract to America to do the marble work.[40] Much grief and controversy were to ensue from the pair.

In spite of mounting troubles, of recalcitrant workmen and reluctant professors, of failure of funds, Jefferson's indomitable will and enthusiasm overcame all difficulties, and the great project forged slowly but surely ahead.

CHAPTER 70

A Philosophy of Life

JEFFERSON'S ideas on the education of men were radical and advanced beyond his time; but they lagged considerably when he contemplated women. "A plan of female education," he confessed, "has never been a subject of systematic contemplation with me." He had hitherto considered it only insofar as his own daughters' education was concerned; and there, since they were intended for country life, he thought it wise to give them a solid basis in order that they might be in a position to educate their own daughters, or even their sons, "should their fathers be lost, or incapable, or inattentive."

He considered the greatest obstacle in the path of a good education "the inordinate passion prevalent for novels.... When this poison infects the mind," he wrote, "it destroys its tone and revolts it against wholesome reading. Reason and fact, plain and unadorned, are rejected.... The result is a bloated imagination, sickly judgment, and disgust towards all the real businesses of life." He qualified his harsh judgment of "this mass of trash" to admit there were certain novels that might form "interesting and useful vehicles of a sound morality." Such were certain works of Marmontel, Madame Genlis and the writings of Maria Edgeworth.

He applied the same strictures to poetry; though he exempted Pope, Dryden, Shakespeare, Molière, Racine and a few others from his blanket condemnation. He evidently did not consider the Greek and Roman authors as being "poets" in his special definition of the term.

Indispensable in the education of women was a knowledge of French, dancing, drawing and music. But he subscribed to the French rule that married women must forswear dancing. "This," he said, "is founded in solid physical reasons, gestation and nursing leaving little time to a married lady when this exercise can be either safe or innocent." [1]

If he thus largely omitted women from his educational scheme, it was perhaps because they were not voting citizens, and therefore it was not as necessary for them to be as informed as men. He invariably equated education and citizenship, and considered one the requisite preliminary for the other.

It grieved him that his fellow citizens were so illiterate in the science of political economy; and it was almost as a missionary to the gentiles that he zealously promoted Destutt Tracy's volume on Political Economy. The ignorance of its doctrines, he maintained, had "threatened irreparable dis-

aster during the late war, and by the parasite institution of banks is now consuming the public industry. The flood, with which they [the banks] are deluging us, of nominal money, has placed us compleatly without any certain measures of value, and, by interpolating a false measure is deceiving and ruining multitudes of our citizens." [2]

What he particularly admired in Tracy's philosophy was his insistence "on the certainty of the operations of the human understanding. He rests them on our sensations, of which we are very certain, and on this basis erects demonstrations irresistibly cogent, I think, against Scepticism, a disease of the mind so uncomfortable that it is charity to exhibit its cure, if there exists one." [3] Certain scepticism—with whose tenets Jefferson had only the most superficial acquaintance—was completely foreign to his own practical, positive mind.

He had placed Tracy's volume on Logic in 1816 with Joseph Milligan, the printer, for translation and publication; but Milligan had not even completed the task of translation by the beginning of 1818. In disgust, Jefferson took it away from him and turned it over to Robert Walsh, a littérateur and printer, who had visited him at Monticello the year before and fallen wholly under the spell of his charm, hospitality and encyclopedic knowledge.[4] Walsh took the book and pushed the task of translation and publication through to completion. As with Tracy's other books which Jefferson had devotedly sought to bring to the attention of his fellow countrymen, this volume dropped out of sight in a sea of indifference.

For the same reasons that he became a disciple of Tracy, Jefferson recoiled from the iron doctrines of Ricardo and advised against any attempt to bring his gloomy theory of rent to the attention of Americans. Ricardo's reasoning is "muddy," he exclaimed, and would not stand the test of time.[5]

This might not be censorship; but it came perilously close to it. A much more glaring instance of Jefferson's willingness to keep doctrines he personally disapproved of from the attention of the public, and even to tamper with the text—when it was impossible to prevent publication—appeared in a letter he wrote advocating the reprinting in America of Baxter's *History of England*. Baxter was a Whig who had suffered prosecution in England for his opinions; and his book, said Jefferson, might serve American readers as a substitute for Hume's poisonous ideas.

Hume's book, Jefferson acknowledged, had it been free "from political bias," would have been "the most perfect example of fine history which has ever flowed from the pen of man"; but unfortunately its bias and distortions were such that it promoted "wrong and lasting impressions in the minds of youthful readers.... As it is quite impracticable," he continued, "to put down such a book as this, we can only sheathe its poison by some antidote." Baxter provided that antidote by himself reprinting Hume's text; but, said Jefferson complacently, wherever Hume erred, "*he then alters the text silently*," in such skillful fashion that the innocent reader is not even aware that Hume's text has been tampered with. Jefferson not only did

not see anything morally wrong in this outrageous perversion of another man's ideas, but wholeheartedly approved of it! [6]

As for himself, Jefferson developed what he described as "a canine appetite for reading. And I indulge it," he told Adams, "because I see in it a relief against the *taedium senectutis;* a lamp to lighten my path through the dreary wilderness of time before me, whose bourne I see not." [7]

That "bourne," of whose specifications he admitted he had no knowledge, was beginning to loom larger and larger in his consciousness as the years moved him closer to the passage into it. He hated religious controversies as "episodical, verbal, or personal, cavils." And he hated Calvinism and all metaphysics. "Our saviour," he wrote indignantly, "did not come into the world to save metaphysicians only, his doctrines are levelled to the simplest understanding. . . ." [8]

Any discussion of Unity and Trinity he dismissed with contempt and worthy only of the consideration of "the *genus irritable vatum*"—the priesthood. "This is food for the fools," he exclaimed, "amusement to the wise, and quiet to the patriot, while the light of the age will prevent danger from the flame it kindles." [9]

He rarely ever discussed the immortality of the soul or even whether a soul as distinct from the body truly existed. But he *did* avow that nothing is known to us but matter, as perceived by the senses. Sensation and thought are unseen, and are present in the animalcule observed under the microscope. There is no reason, he declared, why they cannot *inhere* in matter itself by fiat of the Creator.

While therefore finding no proof or even necessity for an independent soul, he believed in a teleological purpose behind the universe, and even argued from that purpose that it was doubtful whether any species of plant or animal, once in existence, could ever cease to exist. If the latter were true, he maintained, then *all* species might some day disappear, "and the earth be left without life or intellect, for the habitation of which it is so peculiarly prepared."

He spoke of a "Creator," yet he did not mean that there had been a creation of the world in time. Rather, he believed in the Aristotelian idea of the co-eternity of the universe and God, and that God had set the universe in motion. He believed that no particle of existing matter had ever been destroyed, but had merely been subject to change and flux in a "never ending circle." He dismissed all ideas of evolution and growth in the physical universe—as opposed to mental evolution—ideas which Cuvier was beginning to disseminate. The earth, Jefferson was convinced, had been created "at once, in all the perfection in which it now exists." And logically, since no species ever became extinct, those species like the mammoth of which only the fossil bones have been found, ought still to breathe and have their being somewhere in the unexplored sections of the world.[10]

The letter in which he expounded these doctrines, addressed to Adrian Van der Kemp, a Dutch scientist residing in the United States, is perhaps

the most complete statement of Jefferson's beliefs he ever permitted himself. None of them was original, as he himself was ready to admit. They represented a coat of many colors that included Aristotle (filtered through Thomas Aquinas), Locke, Helvetius, Tracy, Laplace and many others. It was a strange mixture; wholly mechanistic in ingredients, yet granting a place to a God as the original mover; optimistic as to man's mental evolution, yet denying the possibility of a physical evolution; speaking of a "Creator" and His will and of a teleological purpose in nature, yet eliminating both Creator and purpose from any practical applications in the universe. For all his preoccupation with these high matters, Jefferson never really thought them through.

Sometimes, indeed, his personal morality had more than a tinge of the Puritanism he invariably derided and, for all his disclaimers of interference in the personal habits and morality of others, he was willing to enforce his own conceptions by law—for their good, of course. He had on occasion favored a tax on whisky in order to discourage its drinking by the poor. By the same token, he rejoiced "as a Moralist" at the prospect of a reduction of the duties on wine. He had always considered that particular tax as "the most exceptionable article in Mr. Hamilton's original tariff." It was an error, he declared, to consider it as a tax merely on the rich. As a matter of fact, it prohibited the use of wines to the middle classes and condemned them to "the poison of whisky, which is desolating their houses." [11] He said nothing of the fact that, as a prodigious importer of wines, the tax imposed a heavy burden on himself.

When it came to the religious beliefs of others, however, Jefferson rose to some of his noblest utterances. He thought, indeed, that there was a "universal spirit of religious intolerance, inherent in every sect, disclaimed by all while feeble, and practiced by all when in power." The worst example of this was the persecution of the Jews by the other sects. "Our laws," he assured Mordecai M. Noah, who had sent him a copy of his discourse on the consecration of a synagogue in New York City, "have applied the only antidote to this vice, protecting our religions, as they do our civil rights by putting all on an equal footing. But more remains to be done. For altho' we are free by the law, we are not so in practice. Public opinion erects itself into an Inquisition, and exercises its office with as much fanaticism as fans the flames of an Auto da fé. The prejudice still scowling on your section of our religion, altho' the elder one, cannot be unfelt by yourselves. It is to be hoped that individual dispositions will at length, mould themselves to the model of the law, and consider the moral basis on which all our religions rest, as the rallying point which unites them in a common interest; while the peculiar dogmas branching from it are the exclusive concern of the respective sects embracing them, and no rightful subject of notice to any other." [12]

The death of Abigail Adams, that stern yet remarkable Puritan old lady,

saddened him; and he hastened to send his condolences to his old friend thus deprived of his prop and comfort.[13]

Yet, if largely hospitable to *all* religious beliefs—provided they left his own religious convictions alone—Jefferson displayed no such tolerance in other matters. John Trumbull, his friend of Parisian days, had finally executed his long contemplated project of a heroic-sized painting of the signing of the Declaration of Independence, and its unveiling had stirred a storm of controversy over the features and depiction of the several signers. But Jefferson defended the handling warmly, sight unseen. He only hoped that Trumbull had given to James Wilson's countenance "its haggard lineaments. If you have not, touch it again. It ought to be preserved as the eikon of the non-concurrents. He refused to sign." [14]

He hated the tribe of doctors, particularly those trained in Philadelphia. "I have in absolute abhorrence," he wrote, "the fanciful and ephemeral theories under which dashing practitioners are so wantonly sporting with human life. Our country is overrun with young lads from the Philadelphia school, who with their mercury & lancet in hand are vying with the sword of Bonaparte which shall have shed most human blood." [15]

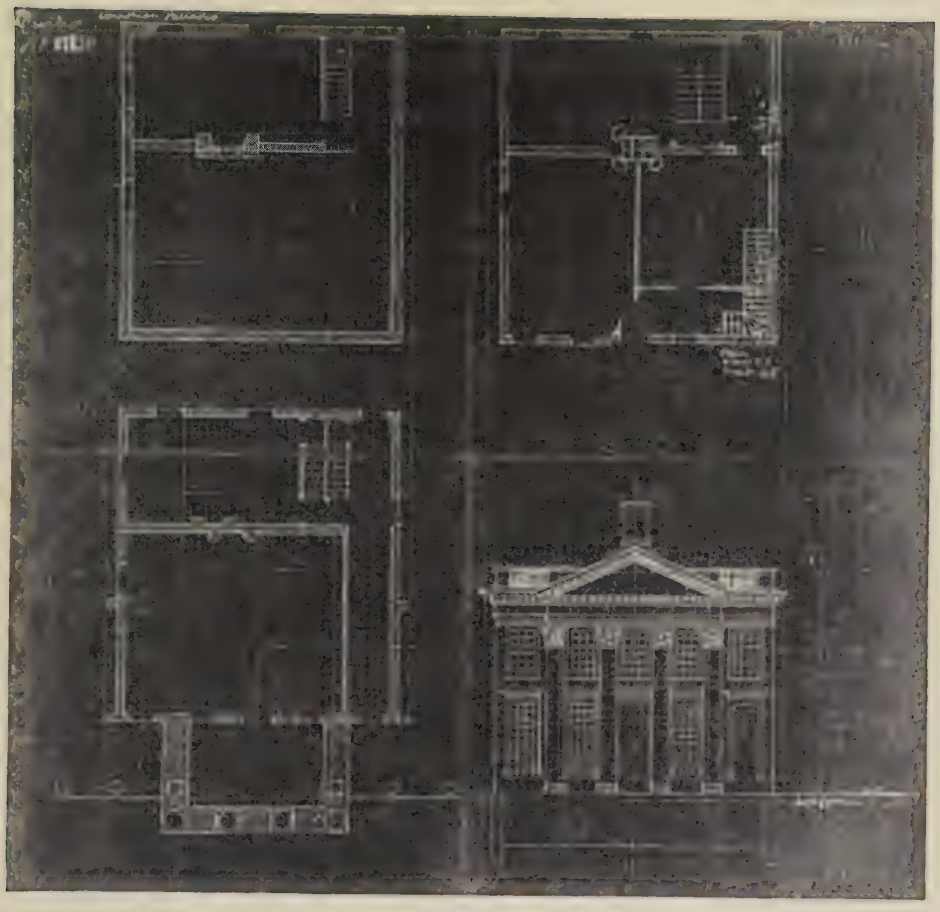
He hailed the news of Republican victories in Connecticut and in Boston, the last fortress of Federalism. But his exultation was tempered with certain misgivings for the future. Now that the Federalist party seemed wholly extinct, "what," he asked, "are to be our future parties? For parties must be wherever men are free, and wherever their minds & faces are unlike." He scanned the jumbled horizon of maverick Republicans for the answer. Duane, John Randolph, Henry Clay, the Clintons of New York—all held within their passions and tempers the seeds of disruption. Perhaps, he thought, the party split would come between those who thought Congress ought to be the stronger, and those who upheld the Executive.

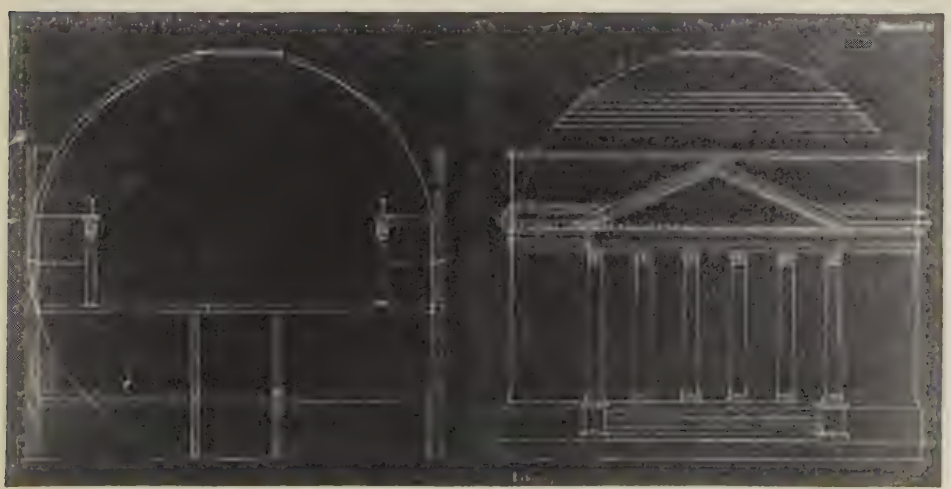
By now he was himself disgusted with Congress as a group of lawyers talking all action to death. "The never-ending debates of Congress," he wrote Dearborn, "make me almost willing to try Bonaparte's dumb legislature. However it will last my time as it is, and perhaps yours." [16]

But the chief interest and absorbing passion of his life was the University. As the bill in the legislature designating Central College as that institution approached a vote he was literally "atiptoe" with excitement. The final passage, in spite of all the crosscurrents of local intrigues and religious opposition, gratified him; at the same time, the grudging financial support voted made him fear that the institution would prove merely a paper one.[17]

How to allocate the scanty funds posed a serious problem, but Jefferson and Cabell both agreed that it was better to devote the entire amount to the building operations and hold off the actual opening of the University until it could be done "with that degree of splendor necessary to give it a prominent character." [18]

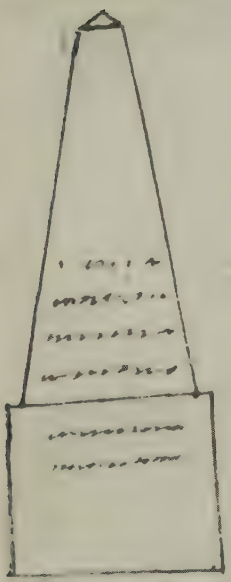
This decision brought to a halt all attempts to obtain professors. It was





Courtesy the Jefferson Papers, University of Virginia Library

ARCHITECTURAL SKETCHES FOR UNIVERSITY OF VIRGINIA BUILDINGS BY JEFFERSON



could the dead feel any interest in Monuments or other remembrances of them, when, as Anacreon says: Οὐκέτι δὲ κεἰσομεσθα
Κονις, ὀστεων τε καὶ σποδιης λιπων
the following would be to my Manes the most gratifying.

On the grave a plain die or cube of 3.f without any mouldings, surmounted by an Obelisk of 6.f. height, each of a single stone: on the faces of the Obelisk the following inscription, & not a word more

Here was buried
Thomas Jefferson
Author of the Declaration of American Independance
of the Statute of Virginia for religious freedom
& Father of the University of Virginia?

because by these, as testimonials that I have lived, I wish most to be remembered. [redacted] to be of the coarse stone of which my columns are made, that no one might be tempted hereafter to destroy it for the value of the materials.

my bust by Ciracchi, with the pedestal and truncated column on which it stands, might be given to the University if they would place it in the Dome room of the Rotunda.

on the Die of the Obelisk might be engraved

Born Apr. 2. 1743. O.S.
Died —

Courtesy the Library of Congress

JEFFERSON'S DESIGN FOR HIS OWN TOMBSTONE

fortunate, therefore, that both young Ticknor and Nathaniel Bowditch, the famous mathematician-astronomer, had rejected his earlier offers of posts.[19] And a new complication arose concerning the hesitant Cooper. Some of the Board of Visitors had heard he was addicted to drink.[20] But from distant New York Jefferson's old political friend, Samuel L. Mitchill, wrote to recommend for the chair of Hebrew and Oriental languages Dr. Jonas Horwitz from whom, he said, "some of our most distinguished clergymen in New York, have received lessons." [21]

All these plans now had to be left in abeyance, as work on the buildings continued. While it is true that Jefferson incorporated some of the ideas and suggestions he had received from Thornton and Latrobe, the plan of the University and most of its details were entirely his own. He spent his days and part of his nights at his drafting board. He worked out carefully detailed plans, elevations and specifications. He proposed an addition to his previous group of buildings in the form of an astronomical observatory, "with an Astronomer resident at it, employed solely in the business of Observation." This building he thought should be located on the nearby mountain of Montalto as commanding a fine horizon. He continued to work on the great Rotunda, and drafted a proposal for an Anatomical Theater to house the School of Medicine. All his drawings were made with professional competence and meticulous care.[22]

Meanwhile, renewed efforts were made to get the legislature to vote additional funds so that the University buildings, as they were finished, might be put to use. But a combination of indifference and savage opposition met every attempt. The proponents of William and Mary College, bypassed by this new institution, worked unceasingly to hamstring the rival. Jefferson did not worry about them; he was more alarmed over the activities of "the priests of the different religious sects, who dread the advance of science as witches do the approach of day-light; and scowl on the fatal harbinger announcing the subversion of the duperies on which they live. In this the Presbyterian clergy take the lead. The tocsin is sounded in all their pulpits, and the first alarm denounced is against the particular creed of Doctr. Cooper; and as impudently denounced as if they really knew what it is." [23]

Actually, and Jefferson was well aware of it, the clergy were using the hapless Cooper as a stick with which to beat Jefferson himself, whose views were somewhat similar to those of the Doctor.

If the clergy were vehemently opposed to Jefferson and his University, others paid their respects to him as the leading man of his age. "All the Literary Gentlemen of this part of the Country," wrote John Adams humorously, "have an Ambitious Curiosity to see the Philosopher and Statesman of Monticello—and they all apply to me for Introductions." [24]

The crowds continued to stream up the mountain to visit the sage and to be entertained. Nor were they all reverent pilgrims. The growing grandchildren attracted the younger set as well. What a time they have at Monti-

cello! exclaimed one of the young visitors. "Famous kick-up dancing" in the south pavilion to the sound of harpsichord and violin until midnight!

But dancing proved not the only excitement. On April 9, 1819, the south pavilion caught fire and burnt to the ground in a furious wind. Fortunately, the wind shifted its direction away from the main buildings; though the north pavilion caught momentarily. Jefferson rushed out to aid in saving the north structure, but fell down among the loose boards and scraped his shin. When John Quincy Adams, who had read of the fire and the accident in the press, solicitously inquired, Jefferson dismissed both as of small consequence. He was more interested in the offer of the Italian sculptor, Cardelli, to come to Monticello to take a portrait bust of him.[25]

The burning of the pavilion may not have been serious, but Jefferson's financial involvements were. And this time it proved to be no fault of his own. In 1817, Jefferson had applied to the Richmond branch of the Bank of the United States, of which his old friend Wilson Cary Nicholas was a director, for a loan of $3,000. A new audit of Jefferson's old accounts as Minister to France had disclosed him to be in debt to the United States. The loan was granted; and, as usual, he was compelled the following year to apply for a renewal. But he could not obtain an endorser, and Nicholas generously offered to act as one.[26]

Less than a month after this gesture, Nicholas in turn applied to Jefferson to act as *his* endorser; and this on two notes for the total sum of $20,000. It was an embarrassing situation in which Jefferson found himself. Nicholas was a bosom friend and he had just signed for Jefferson; but $20,000 was an enormous sum. Nicholas assured him that his estate was worth far more than that, should he die before the notes were met; and Jefferson, with many misgivings, affixed his signatures, "reposing myself," he wrote Nicholas, "with entire confidence in your care." [27]

That confidence was not justified. The following year, when the notes fell due, Nicholas wrote Jefferson that the first of them would have to go to protest; but assured him he would not suffer thereby. This was an easy assurance. After much frantic negotiation—in which Nicholas seemingly made no move—the bank accepted Jefferson's offer to cover his own endorsement, first, by a blanket mortgage on Monticello and all his other property; second, by conveyance of the Bedford plantation to his grandson, Thomas Jefferson Randolph, as trustee for the bank's benefit.[28]

At the same time, Jefferson was incapacitated by the severest attack of rheumatism he had ever experienced; and this new calamity added to his sufferings. He appealed desperately to Nicholas to ward off disaster by efforts of his own. "A call on me to the amount of my endorsements for you," he wrote pathetically, "would indeed close my course by a catastrophe I had never contemplated." [29] But Nicholas's affairs were so involved that he could do nothing; and his own bank—though he was a director—knew that he was in a state of bankruptcy.

With all his earthly possessions mortgaged, and no hope of Nicholas ever

meeting his debts, it is no wonder that Jefferson suffered an attack of indigestion and stoppage of bowels that caused his family for several days to fear for his life.[30]

He had always prided himself on his good digestion, which he attributed to his course of life. He ate vegetables chiefly, and very little meat. He drank sparingly, and only light wines, of which three to four glasses at dinner constituted his quota. His teeth were still untouched, his hearing good, and he used spectacles only at night, except for fine print. Occasionally he suffered from his old complaint of headaches; but he was remarkably free from colds; a fact which he attributed to his sixty-year practice of bathing his feet in cold water every morning. His wrist, however, fractured in France, was growing increasingly stiff, and made writing slow and painful.[31]

But he was getting old, and the worry over the Nicholas notes hastened the aging process. For the rest of his life he sought vainly to untangle himself from their toils, but never succeeded.

The troubles and successive deaths of old friends also saddened him and warned him that his own span of life was necessarily brief. In 1817, he had wondered audibly as to the present condition of his ancient coterie in Paris, whether they were living or dead. They were, he commented to Trumbull, "now scattered & estranged but not so in either my memory or affections." [32]

Now came a voice from the dead; from no less a person than Maria Cosway. Her packet of news was sad enough. Her husband had been stricken with paralysis in London, and she had hastened from her religious retreat in Italy to nurse him. Angelica Church was dead, and Madame de Corny, though still alive, was very ill. "Strange changes over & over again all over Europe," she concluded. "You only are proceeding on well." [33]

To which the former exponent of the Heart over the Head could only return resignedly: "Such is the state of our former coterie—dead, diseased, dispersed. . . . Mine is the next turn, and I shall meet it with good will." [34]

If he could thus philosophically look forward to his own dissolution, he did not permit the contemplation to interfere with his present active engagement in life or its manifold problems. His current difficulties with banks only served to exacerbate his eternal warfare with those institutions. He would, he avowed violently, abolish all paper money issued by them, and forfeit the charter of any bank that refused to submit, even if it were the Bank of the United States itself. He would interdict forever the power to issue paper in the future and, in the meantime, pass stay laws against executions based on it.[35] This last provision, had his advice been heeded, would have lightened the load of the Nicholas paper on himself.

He firmly believed in a written constitution, which should be treated with veneration and not merely as an ordinary law, to be broken at convenience.[36] Such was the Constitution of the United States. But it had

taken his election in 1800 to fix its principles on the government. That revolution, he asserted, was "as real a revolution in the principles of our government as that of 1776 was in its form; not effected indeed by the sword, as that, but by the rational and peaceable instrument of reform, the suffrage of the people." Unfortunately, the Judiciary had not heeded the will of the people, and was illegally driving the nation into "consolidation." Jefferson's own construction of the Constitution was simple: "That each department is truly independent of the others, and has an equal right to decide for itself what is the meaning of the constitution in the cases submitted to its action; and especially, where it is to act ultimately and without appeal." [37]

He also laid down rigid rules of finance for the government to follow: "1. never to borrow without laying a tax sufficient to pay principal and interest within a fixed period, and I would fix that period at 10. years, & that tax should be solemnly pledged to the lenders. 2. never to borrow or tax without appropriating the money to its specific object." [38]

He defined *liberty* in its full extent as "unobstructed action according to our will: but rightful Liberty is unobstructed action according to our will, within the limits drawn around us by the equal rights of others." This more limited definition follows John Stuart Mill's famous characterization very closely.

From liberty he moved to a consideration of "a pure republic" which "is a state of society in which every member, of mature and sound mind, has an equal right of participation, personally, in the direction of the affairs of the society. Such a regimen," he qualified, "is obviously impractical beyond the limits of an encampment, or of a very small village." In all other cases where it is necessary to act by deputy, "then their government continues republican in proportion only as the functions they still exercise in person, are more or fewer," and as they have the right to appoint their deputies directly, for limited purposes and for short periods.[39]

Jefferson's own personal beliefs were always a matter of profound concern to him; and, though hiding them from the public view and consequent attack, he never omitted an opportunity to discuss them confidentially with his friends.

He was an Epicurean, he told Short. "I consider the genuine (not the imputed) doctrines of Epicurus as containing everything rational in moral philosophy which Greece and Rome have left us." The Stoics, aside from Epictetus, abounded in "hypocrisy and grimace." Cicero, though his style was beautiful and enchanting, was "diffuse, vapid, rhetorical." Plato, eloquent enough, was incomprehensibly mystical and had been deified because of "certain sects usurping the name of Christians," who reared on his foundations "fabrications as delirious, of their own invention," which they "fathered blasphemously" on Jesus.

Jesus, indeed, was the greatest of all reformers; and when what is really his doctrine is abstracted "from the rubbish in which it is buried . . . we

have the outlines of a system of the most sublime morality which has ever fallen from the lips of man; outlines which it is lamentable he did not live to fill up."

To rescue this pure system of Jesus from the artificial systems of the sects, as exemplified in the doctrines of the immaculate conception, his deification, miraculous powers, resurrection and visible ascension, the Trinity, original sin, atonement, election and others, was "a most desirable object, and one to which Priestley has successfully devoted his labors and learning."

Jefferson had sometimes thought of translating Epictetus afresh, add to him the doctrines of Epicurus and an abstract of the Evangelists to make up a new system of morality. He had indeed, years before, hastily extracted the true sayings of Jesus from the Evangelists; but that was as far as he had been able to go in the project. "With one foot in the grave," he concluded with a sigh, "these are now idle projects for me." [40]

He considered Calvin and Hopkins as insane and the strait jacket as their only proper remedy. "Were I to be the founder of a new sect," he exclaimed, "I would call them Apiarians, and, after the example of the bee, advise them to extract the honey of every sect. My fundamental principle would be the reverse of Calvin's, that we are to be saved by our good works which are within our power, and not by our faith which is not within our power." [41]

In all these animadversions on government, philosophy, religion and the universe, Jefferson did not for a moment lose sight of his own project of the University. It was encountering stormy weather, and he bent every effort to bring it safely to port.

Though there was no money to open the University proper, at least he was able to start the preparatory school. He was enthusiastic about the instructor he had hired to take charge of it, and thought him probably the finest teacher in the United States. The attending pupils were boarded in Charlottesville with a Frenchman named Laporte, and were compelled to converse in French so as to learn the language rapidly and thoroughly. Jefferson himself laid down the menu for their daily nourishment. Breakfast consisted of bread and butter, coffee or milk; dinner of soup, meat and a great variety of vegetables; supper of bread and coffee or milk. The youngsters, he was careful to specify, must drink only water; "a young stomach needing no stimulating drinks, and the habit of using them being dangerous." [42]

He hailed the arrival of the two Italian sculptors, the Raggis. Finally, he was convinced, he had obtained artisans who knew how to cut Ionic and Corinthian columns properly. But tragedy impended. When the newcomers examined the native quarry from which the stone was mined, they pronounced it of poor quality and of no use for the classic capitals. Nor were they proficient in plain work, as against the ornamental. Jefferson was

nonplused. "They have cost us a great deal of money," he complained, "& how to avoid its becoming a loss, & how to get our work done, is the difficulty." [43]

He tried setting the Italians at work on what they *could* do; but soon found they were getting nowhere. The pair finally made an astounding proposition to him; they would return to Italy, make the capitals there of proper marble, and have them shipped back to the United States. Jefferson countered with an offer to pay the passage money for Michele Raggi's wife and her brother, who was an "ornatist," to come to Virginia. This was on Raggi's assurance that his brother-in-law was sufficiently competent in all the fields in which he himself was lacking.[44]

Old as Jefferson was—and he was now approaching seventy-seven—he used to ride daily down the mountain and inspect the work on the University. With Edmund Bacon, his overseer, to accompany him, the two men surveyed the original forty-acre plot. The ex-President placed the pegs in the ground, while Bacon carried the line. He personally watched every bit of material as it was brought in, examined it for soundness and strength, and directed the workmen in their operations.[45]

He kept prodding the legislature and grumbled loudly over their "higgling" with the University. Private subscriptions also were coming in "slow & grudgingly," and often there was not enough money on hand to pay the wages of the workmen. Dr. Cooper, temporarily at Columbia, South Carolina, had finally agreed to take a salary of $1,500 a year to act as the institution's first professor; but even that had not been raised, and he kept up a steady stream of complaints from that vantage point.[46]

The chief cause for the heartbreaking delays lay in the increasing opposition of certain groups who, for different reasons, either did not want a University at all or did not wish one at Charlottesville and under Jefferson's control. In the first category were the vested interests of William and Mary; in the second, a combination of the counties further to the west and the Presbyterian clergy and laymen who saw in the new institution an extension of Jefferson's "atheistic" views.[47]

One of the sticks which the religious bodies used to beat both Jefferson and the University was the proposed appointment of Cooper to the chief post. An Evangelical magazine published a violent attack on Cooper's radical theological views and denounced his employment as a teacher of the young. Cooper offered to resign his still untenanted post rather than embarrass the University.[48]

But Jefferson refused the offer and bade him "be of good heart." The loudest-mouthed, he wrote back, were the least considerable in numbers and influence. The two chief sects—the Baptists and Methodists—were friendly, republican in politics and supported the government or refused to meddle. So were the Anglicans. Only the Presbyterian clergy were "bitterly federal and malcontent with their government. They are violent,

ambitious of power, and intolerant in politics as in religion and want nothing but licence from the laws to kindle again the fires of their leader John Knox, and to give us a 2d blast from his trumpet. Having a little more monkish learning than the clergy of other sects, they are jealous of the general diffusion of science, and therefore hostile to our Seminary, lest it should qualify their antagonists of the other sects to meet them in equal combat. Not daring to attack the institution with the avowal of their real motives, they peck at you, at me, and every feather they can spy out." But, concluded Jefferson, "they have no weight, even with their own followers," who in the main "are good citizens & friendly." [49]

But Jefferson had written too hastily, it seems. For the Board of Visitors of the University was not as ready to dismiss the outcry as of no weight as he was. On April 3, 1820, the Board held a meeting, and what passed may easily be surmised from the action they took and Jefferson's unwilling retraction. It was decided, and so Cooper was informed, that there had been such delay and uncertainty as to the opening of the University that it was deemed advisable to make changes in his contract of employment.[50]

Cooper was hotly indignant. He had never published anything in this country on theological matters, he said. It was true that thirty-five years before, in England, he had written in denial of the Trinity and of the existence of a soul apart from the body. But the latter opinion, he exclaimed, was shared with him by the vast majority of medical men. In any event, Columbia (S.C.) College had just appointed him to the chairs of geology, law and chemistry at a salary double what Virginia offered him. Therefore he was willing to accept the Board's offer of $1,500 to terminate his contract; though he regretted the storm that had been raised on his account.[51]

This abrupt dismissal of the liberal and learned Dr. Cooper as a sop to religious prejudice was a staggering blow to Jefferson. Cooper, he wrote bitterly, "has more science in his single head than all the Colleges of New England, New Jersey, and I may add Virginia put together." [52] His pet project was obviously off to a very bad start.

It is no wonder then, that with this sharp recrudescence of bigotry, he was particularly careful when sending a copy of his old Syllabus on Jesus to William Short to express more than his usual anxieties over its confidential nature. In the accompanying letter he also threw a new and interesting sidelight on his own convictions.

The Syllabus, he declared, was not to be understood as identifying Jefferson in full with all the doctrines of Jesus. "I am a Materialist," he avowed; "he [Jesus] takes the side of Spiritualism; he preaches the efficacy of repentance towards forgiveness of sin; I require a counterpoise of good works to redeem it, etc., etc. It is the innocence of His character, the purity and sublimity of His moral precepts, the eloquence of His inculcations, the beauty of the apologues in which He conveys them, that I so much admire; sometimes, indeed, needing indulgence to eastern hyperbolism." [53]

He refused to concern himself with incomprehensibles. "When I meet with a proposition beyond finite comprehension," he told Adams, "I abandon it as I do a weight which human strength cannot lift, and I think ignorance, in these cases, is truly the softest pillow on which I can lay my head." [54]

CHAPTER 71

Seeds of Disunion

IN 1819, the great question of the century reared its head. Missouri, carved out of the Louisiana Territory, now claimed entrance to the Union as a state. That would have been comparatively simple, except for one thing. The proposed constitution for the new state permitted slavery within its borders.

Yet, when the bill was first offered in Congress for the admission of Missouri, no one suspected the storm that would arise. It came suddenly in the form of an amendment in the House prohibiting any further importation of slaves and providing for the emancipation of children born to slave parents once they reached the age of twenty-five. In this revised form, the bill passed the House, but failed in the Senate.

The fat was in the fire. Congress shortly thereafter adjourned, but the question of slavery or no slavery for Missouri—or, for that matter, for any of the states to be admitted in the future—became the burning issue of the hour. The great debate that ended in secession and bloody war was now commenced.

By the beginning of 1820, after Congress had reassembled, threats and counterthreats were already heating the air to incandescence. Alarmed at the monstrous genie that had been uncorked, a sufficient number of northern Republicans, though themselves opposed to slavery, joined with the embattled Southerners to work out a compromise arrangement. Missouri was to be admitted as a slave state and Maine, cutting itself off from its ancient parent, Massachusetts, as a free state. Thereby the number of free and slave states in the Union were exactly balanced at twelve each. At the same time, slavery was forever prohibited in that section of the Louisiana Territory which lay north of latitude 36 ° 30 ′.

Almost immediately the storm was allayed, though here and there could be heard ominous rumblings of discontent. But Jefferson was clearer-headed than most. He had seen with a sense of shock and alarm this sudden raising of the lid, and caught a glimpse of the tremendous passions that had escaped their old confinement. Here was something new in American life; a division along coincident moral and geographical lines that put into the shade any former division in the country.

He raised his voice in prophetic horror. "This momentous question," he warned, "like a fire bell in the night, awakened and filled me with terror. I considered it at once as the knell of the Union. It is hushed, indeed, for the moment. But this is a reprieve only, not a final sentence. A geographi-

cal line, coinciding with a marked principle, moral and political, once conceived and held up to the angry passions of men, will never be obliterated; and every new irritation will mark it deeper and deeper." [1]

He had never feared to this extent the old schism of Federalist and Republican, since that had cut across state lines; and all the states were united by their constituent groups in the national parties. This new schism was of a different order. He foresaw that the passions and severance would grow and grow, until they "would kindle such mutual and mortal hatred, as to render separation preferable to eternal discord. I have been," he wrote sorrowfully, "among the most sanguine in believing that our Union would be of long duration. I now doubt it much, and see the event at no great distance, and the direct consequence of this question; not by the line which had been so confidently counted on; the laws of nature control this; but by the Potomac, Ohio and Missouri, or more probably, the Mississippi upwards to our northern boundary. My only comfort and confidence is, that I shall not live to see this; and I envy not the present generation the glory of throwing away the fruits of their fathers' sacrifices of life and fortune, and of rendering desperate the experiment which was to decide ultimately whether man is capable of self-government? This treason against human hope, will signalize their epoch in future history, as the counterpart of the medal of their predecessors." [2]

With such prophetic foresight and moving exhortation did Jefferson seek to warn his fellow countrymen of the road on which they had embarked. Yet he did not remain wholly above the battle, even though he meant to allay passions. His sympathies in the struggle were all with the South, in spite of his dislike for the institution of slavery. Indeed, he was able to find some ingenious, if fallible, arguments to justify the admission of Missouri and other territories without any constitutional prohibition against slavery, while at the same time holding to his own adverse views on the institution.

"Of one thing I am certain," he wrote, "that as the passage of slaves from one State to another, would not make a slave of a single human being who would not be so without it, so their diffusion over a greater surface would make them individually happier, and proportionately facilitate the accomplishment of their emancipation, by dividing the burthen on a greater number of coadjutors." [3]

He placed most of the blame for the split on the Federalists; and the more he thought on the question, the more his indignation rose against the anti-slavery forces. For all his clearheadedness on the other phases of the question, he was singularly blind to the moral forces that were coming to the fore in the country. Later in the year he was writing that the problem had "just enough of the semblance of morality to throw dust into the eyes of the people, & to fanaticise them; while with the knowing ones it is simply a question of power. The Federalists, unable to rise again under the old division of whig and tory, have invented a geographical division which

gives them 14. states against 10. and seduces their old opponents into a coalition with them. Real morality is on the other side." And he repeated his argument that further diffusion of the slaves would make for their happiness and future emancipation.

His son-in-law, Thomas Mann Randolph, had been elected Governor of Virginia, and proposed a plan for the eventual emancipation and deportation of all slaves in the state. Though Jefferson realized that Virginia was not ripe for such a sweeping solution, he approved of the proposition as helping to focus attention on the problem.[4] Certainly he did not believe that Congress or any other national body had the constitutional right to interfere with the "peculiar" institution within the confines of any state.

As he approached the end of his life, his affection for his native state grew in intensity, in spite of certain objectionable features he was sensible enough to see and understand. The earlier nationalism was slowly evaporating; though he was willing to admit that some of his new sentiments were "perhaps illiberal and many of them founded on prejudice." One of them was his "decided preference for the Virginia character and principles. All the science in the world would not to me as a parent compensate the loss of that open, manly, character, which Virginians possess and in which the most liberal and enlightened of the Eastern people are deplorably deficient. I have known many of their conspicuous men intimately, and I have never yet seen one who could march directly to his object. Some view at home or at the seat of Government entered all their projects & subjected them continually to the commission of acts which would tinge with shame the face of a Virginian." Therefore he strongly urged that his grandson, Francis Eppes, "complete his Education within the limits of Virginia." [5]

Yet it was impossible, for all Jefferson's local patriotism, to find a proper place at which to educate young Francis in his native state. The next best thing, then, was to send him to Columbia College, in the sister state of South Carolina, where Dr. Cooper was now the head. Accordingly, Francis was enrolled at Columbia, and Jefferson furnished him with advice on his studies, proposing especially for his attention Tracy's Commentaries on Montesquieu as "the best elementary book on government which has ever been published," and advising him to learn only those sciences which would be useful to him in his future pursuits, and not to waste his time on other subjects. With a radical viewpoint that anticipated the most extreme modern elective system, Jefferson asserted that "this will certainly be the fundamental law of our University, to leave every one free to attend whatever branches of instruction he wants, and to decline what he doesn't want." [6]

Also, Jefferson was compelled to admit that the state of New York, under the governorship of De Witt Clinton, was making "gigantic exertions" for the public education of its citizens. Stung by this discrepancy

between the northern state and his own Virginia, he urged on his son-in-law, the new Governor, to lay before the legislature as soon as it met, the reports for the financing of the University. By such speedy action, Jefferson hoped to avoid any chance for "caballing, circulating false rumors, and other maneuvres by the enemies of the institution." [7]

Unfortunately, those enemies were not to be caught napping, and it was long before funds were forthcoming or the University could publicly open its doors. Jefferson called it "the Hobby of my old age," and avowed that it would be "based on the illimitable freedom of the human mind, to explore and to expose every subject susceptible of its contemplation." [8] But, as so often the case with Jefferson's noble phrases, these were inconsistent with other statements of his, notably the one quoted above in which he wished only "useful" learning to be taught to college students, or with his own previous cavalier dismissal of many branches of human contemplation as mystical and incomprehensible.

Yet, such are the curious convolutions of the human mind, Jefferson wished to introduce an intensive study of Anglo-Saxon into his University, and purchased every volume he could lay hands on for the furtherance of that object.[9] He had a passion for Anglo-Saxon himself, and therefore conceived it to be "useful"; rationalizing it as essential for the study of the old English law of liberty, which later degenerated into the "common law" through the infiltration of Norman feudal ideas.

Nicholas's unpaid notes cast a huge shadow over Jefferson's last years. But even without them, his finances were as always in a parlous state. Once again he was writing the old familiar apology for being unable to meet his debts, and blaming it as usual on low prices for his crops.[10]

But this time the ancient song did not soothe the creditor's savage breast and Jefferson was compelled to seek a loan from his son-in-law, John W. Eppes, who gave him $4,000, to be repaid within two years by a transfer of Negroes from his father-in-law's plantations. Eppes obviously realized that the cash would never be forthcoming. Jefferson had scruples about selling Negroes for any reason other than "delinquency or on their own request"; but Eppes made the transaction palatable. He would, he agreed, let them remain together as families, and turn them over with the ground to his own son, young Francis, when he came of age. To this Jefferson gladly assented, and set aside twenty men, women and children as payment.[11]

More and more, during the few years left, due notes and the discount of notes—never cash payments—fill the pages of his account books until, in March, 1823, he estimated his debts as amounting to $19,000, *exclusive* of bank notes and a sizable sum still due on the old Wayles estate.[12]

On January 26, 1821, having reached the age of maturity and looking back over his long and eventful life, Jefferson thought it time to write his

Autobiography. Yet it was not an autobiography in the ordinary sense, for it covered only the earlier years of his life, terminating with his services in France; and it restricted itself largely, with rare exceptions, to cold political ideas. Nor was it intended for the general public—he had long disavowed any attempt to write his own history. It was rather a private document for himself and his family. Therefore, in a hand still firm and legible, in spite of his stiffening wrist, he inscribed on the first sheet: "At the age of 77. I begin to make some memoranda and state some recollections of dates & facts concerning myself, for my own more ready reference & for the inform[atio]n of my family." [13]

He realized his time was getting short and, as he told a friend, "when I look back over the ranks of those with whom I have lived and loved, it is like looking over a field of battle. All fallen. Nor do I feel it as a blessing to be reserved for this afflicting spectacle." [14]

The one spectacle he still wished ardently to see seemed destined to elude his view—the opening of the University. But he exhorted Cabell to continue his efforts in the recalcitrant legislature. "What service can we ever render [Virginia]," he demanded eloquently, "equal to this? What object of our lives can we propose so important? What interest of our own which ought not to be postponed to this? Health, time, labor, on what in the single life which nature has given us, can these be better bestowed than on this immortal boon to our country?"

By his "country," Jefferson still meant Virginia, and not the United States. With the Missouri question still agitating the nation, it was essential, he wrote, to keep the youth of Virginia at home and not expose them in northern colleges to become, as he ironically put it, "deeply impressed with the sacred principles of our Holy Alliance of restrictionists," and with the "lessons of anti-Missourianism." [15]

He kept harping on this appeal to the fears and prejudices of the Virginia legislators. There were in northern colleges, he estimated, "five hundred of our sons, imbibing opinions and principles in discord with those of their own country. This canker is eating on the vitals of our existence, and if not arrested at once, will be beyond remedy." [16]

The remedy, of course, was to get the University under way at once, and to bring the imperiled Virginia youths home immediately.

He was getting more and more intemperate over the Missouri issue, even though it had seemingly been settled by the Compromise. "Our anxieties in this quarter are all concentrated in the question," he told John Adams, "what does the Holy Alliance in and out of Congress mean to do with us on the Missouri question?" The "Holy Alliance" was his sarcastic designation for the combination of Northern Republicans and Federalists on the issue of slavery. The real question is, he pursued further: "Are our slaves to be presented with freedom and a dagger? For if Congress has the power to regulate the conditions of the inhabitants of the States, within the States, it will be but another exercise of that power, to declare that all shall be

free." This, to Jefferson, meant the equally abhorrent alternatives: an intersectional war modeled on the ancient Grecian struggles, or a servile war with black pitted against white.[17]

To which Adams countered that "Slavery in this Country I have seen hanging over it like a black cloud for half a Century." He was terrified by the phenomenon, but always said to Southerners: "I will vote for forcing no measure against your judgements. What we are to see God knows and I leave it to him, and his agents in posterity."

Then he turned to a less controversial question—at least with Jefferson. "I have long been decided in opinion that a free government and the Roman Catholick religion can never exist together in any nation or Country." [18]

To Jefferson, however, there was a much more serious threat to free government nearer at home. "The great object of my fear," he wrote with passion, "is the federal judiciary. That body, like gravity, ever acting, with noiseless foot, and unalarming advance, gaining ground step by step, and holding what it gains, is ingulphing insidiously the special governments into the jaws of that which feeds them." [19]

It was a striking simile, and one which conveyed—even to Jefferson himself—a certain helpless fascination in the presence of a monstrous force. He had fought the Judiciary ever since the days of the "midnight" appointments; and he had been beaten back every time—for the impeachment of Pickering could not be considered as a victory of principle. He had heard Marshall enunciate the hated doctrine that the courts were the final arbiters of the Constitution; he had been summoned peremptorily as President before the august bench; and he was now witnessing state laws made subservient to the sanctity of private contracts.

Impeachment had been tried—and found wanting. It was "a mere scarecrow," he declared contemptuously. The *only* way in which to halt the hitherto irresistible power was to make judges removable on "the simple concurrence of the two other coordinate branches"—by which he meant Congress and the Executive.[20]

In the face of the menace, he hailed every pamphlet, every book that purported to expose the fallacious nature of the judicial pretension; and he was willing for the first time to permit a letter of condemnation from himself—"cooked-up" for the occasion—to be published in the press as a puff for a book. The volume for which he broke his long-standing rule was *Construction Construed*, by the great Republican theoretician, John Taylor of Caroline. Jefferson did not always agree with the radical purity and unbending logic of his friend, but in this instance his praise was unreserved. The book, he wrote, "is the most logical retraction of our governments to the original and true principles of the constitution creating them, which has appeared since the adoption of that instrument." [21]

What particularly excited his anger and alarm against the Supreme Court at this moment was the bold new doctrine which Marshall enunciated in

the famous case of Cohens v. Virginia—that the Court had appellate jurisdiction in a case between a sovereign State and a private party. Jefferson wrote immediately to the law printer for a copy of the proceedings, adding significantly: "A more important case I presume you have never published." [22]

His attacks on the tribunal grew ever more unrestrained. He called it "this parricide tribunal," and the Cohens decision "that insult to human reason." He groped around for remedies, sometimes shifting ideas in midstream. After decrying impeachment as a useless remedy, he was now willing to have Congress, if its protest by resolution were unheeded, to impeach the entire Court "and set the whole adrift." A little later, he proposed a different remedy: a Constitutional amendment that would limit judicial tenures to six years; the incumbents to be reappointable by the President only with the consent of *both* Houses.

"Independant as they feel themselves of the nation and all its authorities," he wrote bitterly, "they already openly avow the daring and impudent principle of consolidation & arrogate to themselves the authority of ultimately construing the constitution for all the other departments and for the nation itself. It is that body which is to sap the independance of the states, to generalize first, and then to monarchise the federal authority." [23]

Elsewhere he likened the Court to a Roman Caesar and the Pope in its assumption of infallibility. "But the battle of Bunker's hill," he cried wrathfully, "was not fought to set up a Pope." [24]

His complaints grew also in volume against another great cross he had to bear—the inordinate weight of his private correspondence. He kept an exact diary of letters received and answered. In 1820, he had received 1,267 letters, many of them, he complained to Adams, "requiring answers of elaborate research, and all to be answered with due attention and consideration. . . . Is this life? At best it is but the life of a mill-horse, who sees no end to his circle but in death." [25]

Yet, for all his stiff and painful wrist, he meticulously answered every one, even those which came from strangers. Occasionally he would refuse to enter into a controversy or to estimate the beauties of a poem; but it never occurred to him to adopt his friend Adams's summary course of not answering at all. Nor could he resist a good swinging religious discussion, even though he had reason to rue it later.

Perhaps the most surprising of his new correspondencies was with no less a person than Timothy Pickering, the prime evil spirit of the extreme Federalists, the man who had verged perilously close to treason, and who had fought Jefferson personally and politically for many years.

Pickering wrote first, calling attention to the general opinion that Jefferson was "one of the learned unbelievers in revelation," and wondering if he realized the influence his name had in such matters on youthful ad-

mirers. With tongue in cheek, he added that though they had differed politically in the past, there had been nothing personal in the matter.[26]

With equal tongue in cheek, Jefferson replied that he felt exactly the same way. As for his influence, "no one sees with greater pleasure than myself the progress of reason in its advances towards rational Christianity." [27] The day will come, he told Pickering now, when "the incomprehensible jargon of the Trinitarian arithmetic" will be dismissed by all sensible men; to which he later added to Adams, "the mystical generation of Jesus, by the Supreme Being as His Father, in the womb of a virgin. . . ." [28]

He substituted for these mysticisms an almost mystical devotion of his own "for the luminous advance of sciences, of which we see the dawn." It might perhaps be regretted that his age had seen only the dawn instead of the glorious fulfillment, but he consoled himself with the thought that each age has its turn, and since *they* had advanced sharply over preceding ages, why envy additional advances to those who would come after? [29]

Books were essential if knowledge was to flow on unimpeded. And, for the present, that knowledge was secreted within the covers of learned volumes published abroad. He therefore lent the weight of his name and of his inchoate University to a movement started at Harvard for the removal of the tariff on foreign books. This, he declared in a petition to Congress, was "an unfair impediment to the American student," and did not serve its avowed purpose of encouraging literature at home. It was more like "burying the fountain to increase the flow of its waters." [30]

In a letter to his friend, Dr. Benjamin Waterhouse, Jefferson finally avowed himself a Unitarian; expressing the hope "that there is not a *young man* now living in the United States who will not die an Unitarian." For the first time he set forth his own religious creed as a complete system.

He believed, he said, "1. That there is one only God, and he all perfect. 2. That there is a future state of rewards and punishments. 3. That to love God with all thy heart and thy neighbor as thyself, is the sum of religion."

Against this creed he opposed the doctrines of Calvin: 1. That there were *three* Gods. 2. That good works and the love of neighbor are as nothing. 3. That faith is everything. 4. That reason in religion is unlawful. 5. That there is a pre-election of those who are to be saved and those who are to be damned.[31]

But when the enthusiastic doctor proposed that this statement be published to the world, Jefferson shrank back in great alarm. "Into what a nest of hornets would it thrust my head!" he cried.[32]

He hated all dogmas and claimed that they "have been the bane and ruin of the Christian church, its own fatal invention which, thro' so many ages, made of Christendom a slaughter house, and at this day divides it into castes of inextinguishable hatred to one another. Witness the present internecine rage of all other sects against the Unitarian. The religions of

antiquity had no particular formulas of creed, those of the modern world none; except those of the religionists calling themselves Christians, and even among these, the Quakers have none. And hence alone the harmony the quiet, the brotherly affections, the exemplary and unschismatising society of the Friends. And I hope the Unitarians will follow their happy example." [33]

It was in part because of his Unitarian beliefs—suspected, even though not publicly avowed—that the University had such hard sledding. An incautious remark of Jefferson to the effect that the sects "may well be afraid of the progress of the Unitarians to the South" spread like a prairie fire, and the enraged synods and Bible societies rose in arms against the infidel.[34]

If it had been difficult for Cabell to get the legislature to supply funds before, now it was heart-breaking. "Would it be believed in future times," he wrote despairingly, "that such efforts are necessary to carry such a bill, for such an object!!" [35]

Nor was the *religious* opposition all they had to contend with. There were *political* influences at work as well. One of Jefferson's prime projects for the University was the great central Rotunda he envisaged as the dominating, yet co-ordinating structure for the whole. But the people of Richmond feared that the erection of such a magnificent building at Charlottesville would induce the legislature to quit them and move the capital to the University town. It became the subject of fierce philippics in the Assembly sessions by the local legislators. Harvie shouted that "he would never vote another Dollar to the University but on condition that it should not be applied to that building." Johnson, on the Board of Visitors itself, was similarly opposed.

But Jefferson was equally adamant. He left it to Cabell to neutralize Harvie; but, as he advised Madison, also on the Board, "we must manage our dissenting brother [Johnson] softly; he is of too much weight to be given up." [36]

He was disgusted with the legislature. "There is some flaw," he gloomily told Cooper, "not yet detected in our principle of representation which fails to bring forth the wisdom of our country into its councils. It is impossible to foretell to what this will lead; but certainly to a state of disgradation [*sic*], which I thank heaven I am not to live to witness." [37]

The funds were refused for the Rotunda; and Jefferson lashed out again at the dissidents as "truly the *Parliamentum indoctissimum* that was ever assembled in this state." His only comfort was that the recent elections had changed a majority of the members, and that the University had gained some valuable friends in the forthcoming session.[38]

In spite of the lack of funds, of troubles with workmen who failed often to comprehend the scope of Jefferson's plans, the buildings slowly and painfully moved from blueprint to substance. On the Doric pavilions

Jefferson employed the human faces that fringed the classic Baths of Diocletian. He admired these, but he liked perhaps even more the motif of the oxskulls, which belonged, however, to a different classic order. He therefore refused to mix the two in the "public" buildings, where he felt bound "to follow authority strictly." But he felt free to follow the dictates of his own fancy at home; and intended in the middle room he was completing at Poplar Forest to alternate the human faces and the "mitred oxsculls." In a second room he proposed a five-inch frieze in the Ionic style of the temple of Fortuna Virilis.[39]

He was quite pleased with his endeavors, even though "the keystone of the arch, the Rotunda," was still lacking. The University was well worth a visit, he boasted, "as a specimen of classical architecture which would be remarked in Europe." The cost already totaled $200,000 and another $50,000 was required. It was here that the legislature had balked, and again he thought that the Presbyterian clergy were chiefly responsible.

"This is rather the most numerous of our present sects," he exploded to Short, "and the most ambitious, the most intolerant & tyrannical of all our sects. They wish to see no instruction of which they have not the exclusive direction. Their present aim is ascendancy only, their next exclusive possession and establishment. They dread the light which this University is to shed on the public mind, and its obstruction to their ambition. But there is a breeze advancing from the North, which will put them down. Unitarianism has not yet reached us; but our citizens are ready to recieve reason from any quarter. The Unity of a supreme being is so much more intelligible than the triune arithmetic of the counterfeit [*sic*] Christians that it will kindle here like a wild-fire." He expected all men under forty to harken; though "*female* fanaticism might hold out a while longer."[40]

Goaded by the unrelenting opposition of the sects, Jefferson was ready now to doff his former cloak of private neutrality in religious affairs, and don the mantle of missionary proselytization on behalf of the Unitarians.

As the newly elected legislature opened its sessions, the sky began to lighten somewhat. The finances of the University had been placed by previous legislatures in a complicated pattern of extended loans rather than outright subsidies; and the problem now arose whether it would be better to obtain a remission of the debts or new funds with which to build the Library and its Rotunda. By all means, the latter! cried Jefferson. Let us finish the buildings; the remission of the debt "will come of itself.... The great object of our aim from the beginning has been to make the establishment the most eminent in the United States, in order to draw to it the youth of every state, but especially of the South and West." To achieve that ideal, it was necessary to attract a notable faculty from Europe as well as from this country. "Had we built a barn for a College, and log huts for accommodations," he queried, "should we ever have had the as-

surance to propose to an European Professor of that character to come to it? Why give up this important idea, when so near its accomplishment that a single lift more effects it?" [41]

Thus he encouraged Cabell, whose heart was failing. Yet, admitted Jefferson later, if it were a question of having to yield either the University or the Primary Schools, he would give up the University. "It is safer," he said, "to have a whole people respectably enlightened, than a few in a high state of science and the many in ignorance. This last is the most dangerous state in which a nation can be." Look at Europe for the proof of this.[42]

Now it was Cabell's turn to encourage Jefferson; and when the test came, the latter reversed himself and was ready to let the Primary Schools lie in abeyance, if only the University could be completed and its debt remitted. *Then*, he said, we could "come forward heartily as the patrons of the Primaries on some plan which will allow us a fairer share of the common fund." [43]

In February, 1823, Cabell exultingly announced the end of the long, hard struggle. As a result of the spring elections, where aid to the University had been the chief issue, the electorate had unequivocally given its mandate; and the new legislature now passed the University Bill and granted a loan of $60,000 for the building of the controversial library. But, warned Cabell, "we must never come here again for money to erect buildings." [44]

As soon as the glorious news reached Jefferson, he wasted not a moment to authorize construction on the Rotunda full speed ahead.[45] The long-awaited end was in sight.

He was not so happy, however, when he heard that his grandson, Francis Eppes, aged twenty-one, was contemplating marriage. "The European period of full age at 25 years," he believed, remembering his own experience, "is certainly more conformable with the natural maturity of the body and mind of man than ours of 21. The interruption of studies, and filling our houses with children are the consequences of our habits of early marriage." Nevertheless, he warned the worried father, we must acquiesce. The girl was a worthy one, Francis had assured his grandfather that he would continue his studies, and Jefferson was ready to provide him with a house at Poplar Forest as well as a plantation. Unfortunately, he could not deed the property over to him, since it was mortgaged to a bank as part of his security on the fatal Nicholas indebtedness.[46]

For all his dogmatic assertions on the uses of education as a panacea for the world, Jefferson nevertheless was sensible enough to qualify them on occasion. Nor did he believe that a communistic society was the pattern for a country like the United States. In an important letter he made his position clear on these two vital issues:

That, on the principle of a communion of property, small societies may exist in habits of virtue, order industry and peace, and consequently in a state of as much happiness as heaven has been pleased to deal out to imperfect humanity, I can readily concieve, and indeed have seen its proofs in various small societies which have been constituted on that principle. But I do not feel authorised to conclude from these, that an extended society, like that of the US. or of an individual state, could be governed happily on the same principle. I look to the diffusion of light and education as the resource most to be relied on for ameliorating the condition, promoting the virtue and advancing the happiness of man. That every man shall be made virtuous,. by any process whatever, is indeed no more to be expected, than that every tree be made to bear fruit, and every plant nourishment. The briar and bramble can never become the vine and olive; but their asperities may be softened by culture, and their properties improved to usefulness in the order and economy of the world. And I do hope, in the present spirit of extending to the great mass of mankind the blessings of instruction, I see a prospect of great advancement in the happiness of the human race; and that this may proceed to an indefinite, altho' not to an infinite degree.[47]

On November 12, 1822, Jefferson suffered an accident. Descending one of his terraces at Monticello, a decayed step gave way and he fell, breaking his left forearm and dislocating the bones of the wrist. He called in a surgeon who set the injured arm and ordered him to remain at home until Christmas. Though the bones eventually knit, he never recovered the full use of his left hand and fingers. At the age of seventy-nine, healing was difficult. Coupled with the pain and stiffness in his right hand from the ancient accident, writing became an even more tedious and torturing business than before.[48]

CHAPTER 72

Declining Years

WITH one arm almost useless and the other in a bad way, Jefferson had not yet completed the chapter of his accidents. Barely had he been permitted by his physician out of the house when he went riding and was thrown, escaping by a miracle with no more than severe bruises. Undaunted, he rode again. This time the horse slipped in fording a river and his master, entangled in the reins and crippled, was almost drowned. Next came a fever that confined him to bed for three weeks. And, to cap the climax, a flash flood swept away the mill dam he was building, and he had laboriously to start all over again.[1]

Yet, through all these disablements and misfortunes, his beloved University remained ever in his thoughts. He wished to capture the public imagination for it; and to do this, he felt compelled to obtain teachers whose names possessed the glamor of distance. For all his incessant comments on the superiority of America to Europe, he sought his men abroad rather than at home.[2] Oxford, Edinburgh, Cambridge—these were names to conjure with. Ticknor, in his grand tour, was to seek out their celebrities for shipment to Virginia; and later, a special emissary, young Francis W. Gilmer, was commissioned to do the same.

When Gilmer, in the following year, reported sorrowfully that the salaries demanded were far out of the reach of the still unopened institution, Jefferson wrote in great alarm that foreign teachers *must* be obtained, otherwise both the Legislature and the general public would think little of the University. He urged therefore "that if you cannot get men of the first order of science, it would be better you should bring the best you can get, altho' of a secondary grade. They would be preferable to secondaries of our own country, because the stature of these is known to be inferior to some in other seminaries; whereas those you would bring would be unknown, would be readily imagined such as we had expected, and might set us agoing advantageously, until we could mend our hold." [3]

In other words, practical considerations and the pressure of competition were forcing Jefferson into a position not too far removed from certain practices not unknown today. Fortunately, Gilmer was able finally to assemble five willing professors of better than secondary grade, pack them in triumph on board ship, and eventually land them in Virginia.

Jefferson's genius for compromise and moving backward a little in order to gain a more tenacious position later, was similarly in evidence when it came to meeting the fierce opposition of the sects. Dr. Cooper had been

sacrificed; though this had not been Jefferson's doing. But another means of placating the "genus irritabile vatum" was his own idea.

He explained the strategy to Cooper. Priestcraft, he wrote, had attempted to blacken the University as "an anti-religious institution. We disarmed them of this calumny however in our last report by inviting the different sects to establish their respective divinity schools on the margin of the grounds of the University, so that their students might attend its schools & have the benefit of its library, to be entirely independent of it at the same time, and no ways incorporated with it. One sect, I think, may do it, but another, disdaining equality, ambitioning nothing less than a soaring ascendancy, will despise our invitation."[4] The latter, of course, was the Presbyterian.

In the same way he bowed to pressure to permit a professorship of theology. When he came to make out a catalogue of volumes to be purchased for the University library, he found himself at a loss for the chapter on books of divinity. He appealed, therefore, to Madison for help. He was sufficiently familiar, he said, with the good moral writers, Christian as well as Pagan; but the writers on religious metaphysics, like Duns Scotus and others, were terra incognita.[5]

He also sought to placate the high-spirited youth of Virginia when they ultimately entered his institution. They were not amenable to such strict supervision and discipline as obtained in a northern college like Harvard; and he wished to avoid their kicking over the traces. The best method, he considered, was to let them elect freely whatever courses they wished, and "by avoiding too much government, by requiring no useless observances."[6]

The affairs of the University, his several crippling accidents, "age and debility," and perhaps the knowledge that his debts could no longer be surmounted by his own unaided efforts, forced Jefferson to turn over the management of his estates and all business matters to his grandson, Thomas Jefferson Randolph, son of Thomas Mann and Martha Randolph.[7]

Indeed, the problem of meeting his endorsement of Nicholas's notes for $20,000 harried him night and day. He had staved off the day of judgment by heavy borrowings, by a loan from one son-in-law, John Wayles Eppes, and the pledge of Varina, the estate of his other son-in-law, Thomas Mann Randolph. In spite of these maneuvers, Jefferson feared he would have to start selling his own lands on a heavy scale.[8]

But Thomas Mann Randolph had himself become a problem both to his father-in-law and to his wife and children. The strange traits, the black moods, the jealous tempers of some years ago, were now beginning to cloud his mind and send him into incalculable rages. No longer Governor of Virginia, he had time to brood on what he conceived to be his wrongs, and began to fasten them unerringly on Jefferson and poor Martha. Whether he took to drink as well is unknown; as is also the exact nature of the

fancied grievances that eventually drove him to a hermitlike existence and a hatred of his entire family.

Monroe, who had heard something of the state of affairs, offered his services as a mediator; but Jefferson was unwilling to discuss the matter by letter, preferring to wait instead for a chance for private conversation. "In the mean while no time is lost," he wrote Monroe. "For as long as the party continues his present habits there could be neither satisfaction nor safety in his society; and his reclamation from them, I believe to be absolutely desperate. This however does not lessen our sense of the kindness and friendship of your wish to relieve us from the most constant and poignant affliction of our lives." [9]

Yet, some months later, Jefferson was sending Randolph to New York to pledge his Varina estate for Jefferson's benefit.[10] Perhaps this incessant involvement in the tangled debts of his father-in-law, the fear that nothing would remain to himself in his old age, had something to do with the final catastrophe.

At various times, Jefferson received requests from ambitious writers for materials wherewith to write his biography. Jefferson invariably refused, and generalized his reasons. "I do not think," he told one such aspirant, "a biography should be written, or at least not published, during the life of the person the subject of it. It is impossible that the writer's delicacy should permit him to speak as freely of the faults or errors of a living, as of a dead character. There is still however a better reason. The letters of a person, especially of one whose business has been chiefly transacted by letters, form the only full and genuine journal of his life; and few can let them go out of their own hands while they live. A life written after these hoards become opened to investigation must supersede any previous one." [11] To no one did this apply so completely as to Jefferson.

Yet he urged and implored his Republican friend, Judge William Johnson, to continue writing his history of parties in the United States as a counterweight to that "five-volumed libel"—John Marshall's *Life of Washington*—as well as other historical ventures whereby the "tories" were diligently seeking to subvert history for their own purposes. Among such projects which Jefferson thought was in contemplation was the life of Hamilton by "a man who, to the bitterness of the priest, adds the rancor of the fiercest federalism. Mr. Adams' papers, too, and his biography, will descend of course to his son, whose pen, you know, is pointed, and his prejudices not in our favor."

As against these Jefferson offered his own "letters (all preserved) [which] will furnish the daily occurrences and views from my return from Europe in 1790, till I retired finally from office. These will command more conviction than anything I could have written after my retirement. . . . Selections from these, after my death, may come out successively as the maturity of circumstances may render their appearance seasonable." [12]

Johnson in return seized upon the reference to John Quincy Adams, and made it the subject of a diatribe against "both Father & Son," complaining that the son had been too liberally rewarded by the Republicans for his accession to their ranks. To which Jefferson answered not a word. Instead, he attacked at length the Supreme Court and the decision rendered by Marshall in Cohens v. Virginia.[13]

In so doing, he ran afoul of his own faithful friend, Madison. The latter, with striking vigor, insisted that the Constitution "intended the Authority vested in the Judicial Department as a final resort in relation to the States, for cases resulting to it in the exercise of its functions." He avowed that he had never yielded his original opinion on the Court's powers as he had long ago stated it in the 39th paper of the *Federalist*, and that he repudiated the "ingenious reasonings of Col: Taylor agst. this construction of the Constitution."

He admitted that the Court had abused its powers, but declared that such abuse of trust did not disprove their existence. "I should prefer," he concluded, "a resort to the Nation for an amendment of the Tribunal itself, to continual appeals from its controverted decisions to that Ultimate Arbiter." [14]

Such an affirmation of the Court's powers ran counter to all of Jefferson's thinking, and would have evoked a violent rejoinder had it been advanced by anyone else but Madison. Instead, he vented his feelings to Samuel H. Smith, demanding that "the true old republicans stand to the line, and . . . die on it if necessary." [15]

The final overthrow of Napoleon had unleashed a new force in Europe —the so-called Holy Alliance of the great Powers who, with the exception of England, avowed their intention to maintain the status quo and all existing monarchies, to enforce order and prevent any further revolutions, and to keep religion in its accepted forms intact. Even Alexander of Russia, whom Jefferson had apostrophized in the past as the one benevolent monarch and an ornament to the human race, joined the Alliance (he was one of its chief architects, in fact) and Jefferson suffered all the pangs of disillusionment.

Watching the rapid unfoldment, Jefferson saw the match being put to a train "which will blow up despotism from the face of the earth. The insurrection beginn[in]g in any one spot will spread like wild fire over the civilized world. The great contest between men & monarchs must now be decided. . . . And I trust it will end with the extermination of the Holy conspirators agt the human race and leave not a wreck [*sic*] of their existence behind." [16]

That spark was shortly to be applied—in remote South America. The last of a series of revolts from European domination was sweeping the continent, and the twin heroes, Bolivar and San Martin, were pushing Spain and Portugal into the sea. The monarchs of the Holy Alliance, and in

particular, Louis of France, were perturbed at these new successes of the republican principle and seriously considered a combined invasion of the rebellious continent to crush the upstart republics once for all.

President Monroe, surveying the distant situation, was equally perturbed. He had rarely sought Jefferson's advice during his Presidency; now he did. "The moment is peculiarly critical," he wrote to Monticello, "as respects the present state of the world, & our relations with the acting parties in it, in Europe, & in this hemisphere, & it would have been very gratifying to me to have had an opportunity of free communication with you, on all the interesting subjects connected with it." Unable to see him personally, he therefore rapidly outlined the situation, past and present, and asked: "Can we, in any form, take a bolder attitude, in regard to it, in favor of liberty, than we then did? Can we afford greater aid to that cause, by assuming any such attitude, than we now do, by the force of our example? These are subjects, on which I should be glad to have your sentiments." [17] He sent a similar request to Madison.

For all his private boldness, when thus asked to take a semiofficial stand, Jefferson became most cautious. He feared the power of the Holy Alliance and did not wish to attract its angry lightnings in the direction of the United States. "I have ever deemed it fundamental for the United States," he replied, "never to take active part in the quarrels of Europe. Their political interests are entirely distinct from ours. Their mutual jealousies, their balance of power, their complicated alliances, their forms and principles of government, are all foreign to us. They are nations of eternal war." [18]

This was all very well while Europe was alone embroiled (France had invaded Spain to relieve her monarch from the liberal constitution forced on him by his own subjects). But it shortly appeared that, once this was accomplished, *both* nations would send an expeditionary force to South America to recapture the revolted colonies.

George Canning, the British Minister, who viewed with alarm any strengthening of the French-Spanish axis, bethought himself of a plan to prevent a reaccession of strength to it through the recapture of the American possessions. He called for Richard Rush, the American Minister to England, laid before him the secret proposals of the Holy Alliance with respect to South America, and offered to co-operate with the United States in a public support of the independence of that continent.

Rush promptly dispatched Canning's proposals to Monroe and John Quincy Adams, the Secretary of State. Immediately recognizing their supreme importance, Monroe turned again to Jefferson and Madison for advice. He asked specific questions: (1) Shall we entangle ourselves in European politics? (2) If there need be an exception—is this such a one? (3) Has England finally decided to take a stand on the side of liberty against despotism? [19]

Jefferson also recognized the importance of the question and the decision

that must be made on it. That question, he wrote to Monroe, then vacationing at his home in Oakhill,

> is the most momentous which has ever been offered to my contemplation since that of Independence. That made us a nation, this sets our compass and points the course which we are to steer through the ocean of time opening on us. . . . Our first and fundamental maxim should be, never to entangle ourselves in the broils of Europe. Our second, never to suffer Europe to intermeddle with cis-Atlantic affairs. America, North, and South, has a set of interests distinct from those of Europe, and peculiarly her own. She should therefore have a system of her own, separate and apart from that of Europe. While the last is laboring to become the domicil of despotism, our endeavor should surely be, to make our hemisphere that of freedom. One nation, most of all, could disturb us in this pursuit; she now offers to lead, aid, and accompany us in it. By acceding to her proposition, we detach her from the bands, bring her mighty weight into the scale of free government, and emancipate a continent at one stroke, which might otherwise linger long in doubt and difficulty. Great Britain is the nation which can do us the most harm of any one, or all on earth; and with her on our side we need not fear the whole world.

Thus arguing, Jefferson advised that we go along with Canning in making the proposed joint declaration; that Monroe give the requisite assurances insofar as it lay within his authority; and that, since war might follow with the Holy Alliance, the entire matter ought to be laid before Congress.[20]

Madison, at Montpellier, offered similar and even bolder advice. So that the three great Republican leaders, one the President and two of them ex-Presidents, concurred in this novel policy that was destined to have such portentous implications for the future of America.

But John Quincy Adams, the late convert to Republicanism, saw certain deeper meanings in the situation than the others. He distrusted Canning's motives, and foresaw that any joining of the two Powers might give a handle to fears of the Holy Alliance that we intended to intermeddle with the affairs of Europe. He therefore argued Monroe into issuing a statement on his own, asserting the principles contemplated, but, by refusing to tie the United States to England, make it a peculiarly American policy and thereby quiet any suspicion of our intervention in European affairs.

Monroe assented, and enunciated what has since become known as the "Monroe Doctrine" in his Annual Message to Congress on December 2, 1823. It was a bold step thus to stand alone against all Europe, and to dissociate this country from the protective cover of British power. In a sense, perhaps, Monroe did not fully realize the significance or the daring of his position; for he thought he was truly following Jefferson's advice. "I have concurr'd thoroughly," he wrote his ancient friend in Monticello, "with the sentiments express'd in your late letter, as I am persuaded you

will find, by the message, as to the part we ought to act, toward the Allied Powers, in regard to So. America." [21]

But Jefferson knew better; for he had bottomed his assent to a declaration on the sole ground that England was to be included, and that she would thenceforth be our ally, instead of an enemy, as in the past.

Jefferson had adhered pretty strictly to his determination not to solicit public office for his friends and acquaintances from either Madison or Monroe; but, like all rules, this one had exceptions. Two instances arose in which he felt compelled to exercise his influence.

One concerned Colonel Bernard Peyton of Richmond, on whom he looked "almost with the eyes of a father." Peyton wanted either the Post Office or the Collector's post in Richmond, whichever first became vacant; and Jefferson pushed his application to Monroe in the most extravagant terms. "Grant me this," he begged, "and as I never have, so I never will again put your friendship to the trial as to myself." [22]

In August, 1824, the Post Office became available, and Jefferson joyfully wrote to the President soliciting the vacancy for Peyton. But Monroe had other plans, and coldly replied that at least two other applicants had been recommended to him by people, so he implied, with greater claims to consideration.[23]

The same equivocal situation arose in the case of William Duane, the old Republican editor of the *Aurora* who had wielded the bludgeon with such telling effect in the good cause, but who had since come to blows within the party itself. He implored Jefferson to help him with a hostile administration and Jefferson, before he knew the result of his entreaty for Peyton, complied.[24] Here, too, Monroe's response was a cold denial; not, he hastened to say, because of Duane's attacks on himself, but because any favor shown Duane would give offense to good Republicans in Pennsylvania.[25]

Jefferson was cut to the quick. The hurt was deep and irremediable. Monroe, who had once looked up to him and worshiped him almost as a god, whom he had trained in politics and raised to the heights, now turned him down on two small favors. The aged ex-President displayed his feelings with unwonted candor.

"I am indeed sorely and deeply wounded by the result of my late solicit[atio]n for you," he wrote bitterly to Peyton. "I had thought its success as certain as that the sun will rise tomorrow.... As respects the public, I supposed that 60. years of faithful service would weigh with them as much as a broken leg. And that six and forty years, not of friendship merely, but of affection and service warm from the heart, would have kindled as kind feelings as a transient acquaintance with my competitor. It was the first opportunity too I had ever given of obliging me. I have miscalculated, and shall better understand my place hereafter." [26]

It was a mortal blow, and one that Jefferson never got over; though he

continued an outward friendship with Monroe. At the time that it came, he was afflicted with an "imposthume" or abcess under the jaw which locked it so tightly that he had to be fed liquid nourishment through a tube. The combination of man's ingratitude and physical suffering put him in a melancholy mood. "It is become impossible for me to ask anything further from the govmt," he told Thomas Leiper, who also requested his intervention. To Duane he repeated his determination never to ask another favor; and to everyone he begged that they burn his letters. As for Peyton, perhaps the next administration, once Monroe was out, might do something. In the event Jefferson died before the event occurred, he asked Richard Rush to consider Peyton's cause as a legacy to him.[27]

But to Monroe, Jefferson never disclosed his hurt, locking it up in an armor of courteous silence; and even, after Monroe's retirement from office shortly thereafter, continued to disclose a pleasant countenance to him. So much that the outer world noted with a kind of awe the spectacle of the three ex-Presidents—Jefferson, Madison and Monroe—walking together and seated together in a tavern in Charlottesville, where admiring crowds gathered to hear them talk.[28]

In the Presidential election of 1824 Monroe, bowing to the tradition established by Jefferson, retired from office. Several attempts were made by inquiring politicians and the merely curious to find out whom Jefferson favored for the Republican nomination; but to all such attempts he insisted on his absolute neutrality. He did, however, indicate that he thought John Quincy Adams and William H. Crawford would be the probable candidates, and indirectly hinted that he preferred Crawford.[29] In spite of the second Adams's conversion to Republicanism, Jefferson could not help remembering those earlier "monarchical" principles as exemplified in the attacks on Tom Paine.

All that he wished now in the way of politics was to see three amendments to the Constitution: (1) a limitation on the Presidential term; (2) direct election of the President by the people; (3) power to Congress to establish internal improvements, *provided* they were employed within each state in proportion to its contributions to the Federal Treasury. "If I can see these three great amendments prevail," he declared, "I shall consider it as a renewed extension of the term of our lease, shall live in more confidence, and die in more hope."[30]

More and more Jefferson, as was natural with one who was entering his eighty-second year, began to live in the memory of past stirring events and glories. But so, unfortunately, did others. Timothy Pickering, who recently had written to Jefferson to discuss Unitarianism and to disclaim personal enmity, now appeared in the public prints with a violent attack and "elaborate philippic" against John Adams, Thomas Jefferson, Elbridge Gerry and other ancient foes, based on deeds and sayings of thirty years before.

"I could not have believed," wrote Jefferson angrily, "that for so many years, and to such a period of advanced age, he could have nourished passions so vehement and viperous."

What roused Jefferson particularly was the attack on himself and the claim that Washington had reprimanded Jefferson for the Mazzei letter, and that he had humbled himself in turn. "I do affirm," he retorted vehemently, "that there never passed a word, written or verbal, directly or indirectly, between General Washington and myself on the subject of that letter.... The whole story is a fabrication, and I defy the framers of it, and all mankind, to produce a scrip of a pen between General Washington and myself on the subject." [31] Which was technically correct.

He refused, however, to join in the public interchange of angry communications on the subject of Pickering's shotgun assault, and left it to the Adamses to bear the brunt of the battle.

Between reminiscences of the past, his several ailments, and the University, Jefferson's life was a busy one. The Virginia legislature had remitted the debt of the University, but attached a rider to it—which Jefferson indignantly called a "Scotch gift"—making the loan subject to reinstatement. How was it possible, he exclaimed, under such uncertainties to obtain good professors? Only the "young scions & sciolists from the schools of the north" who were accustomed to "job-work" and "uncertainty of tenure" would come on those terms; and the University would become a second-rate institution.[32]

John Adams, however, disapproved of Jefferson's obsession with celebrities and European cachet. "I do believe," he wrote strongly, "there are sufficient scholars in America, to fill your professorships and tutorships with more active ingenuity and independent minds than you can bring from Europe. The Europeans are all deeply tainted with prejudices, both ecclesiastical and temporal, which they can never get rid of." [33]

Jefferson was watching with intense interest the proposal of the moribund William and Mary College to remove from what had become the backwater of Williamsburg to a more active site, such as Richmond. Only eleven students were then wandering solitary through its halls, and it was a question of closing altogether or changing location. "Give them no alarm," Jefferson advised Cabell; "let them petition for the removal; let them get the old structure completely on wheels, and not till then put in our claim to its reception." [34] In other words, incorporate the old College into the new.

He was waiting impatiently for the $50,000 which the Assembly had voted for the use of his University. If that came through, he expected to be able to open the doors to students and faculty on February 1, 1825, "splendidly and with effect. If we do not get it, we set out pitifully indeed, without a book, or a single article of apparatus of any kind. A juster

debt was never claimed, and on its allowance hangs the fate of our University." [35]

Meanwhile, young Francis Gilmer was in England and Scotland seeking professors for the institution; and his reports were consistently gloomy. The well-known men were accustomed to salaries far beyond what the University could afford to pay, and Jefferson wrote in desperation to get young unknowns then. "I consider," he told Madison, "that his return without any professors will compleatly quash every hope of the inst[itutio]n." [36]

But later came more cheerful news. The youthful emissary had succeeded in rounding up a fairly good stable of professors; and he brought back with him in November, 1824, five men: George Long for Ancient Languages, George Blaetterman for the Modern tongues, Thomas H. Key for Mathematics, Charles Bonnycastle for Natural Philosophy, and Robley Dunglison for Anatomy and Chemistry.[37]

The report lifted Jefferson's spirits. But there still remained one opening which he was at a loss how to fill. That was the chair of Ethics. He explained his problem to Madison: "This subject has been so exclusively confined to the Clergy, that when forced to seek one not of that body it becomes difficult. But it is a branch of science of little difficulty to any ingenious man. Locke, Stewart, Brown, Tracy for the general science of mind furnish material abundant; and that of Ethics is still more trite. I should think any person, with a general educ[atio]n worthy of a place among his scientific brethren might soon qualify himself." [38] To Jefferson ethics was merely a matter of general knowledge, common sense and a decent disposition.

Now that the main body of professors were on the way to the United States, Jefferson wasted no time in setting the machinery of the University in motion. He asked the University Proctor, Arthur S. Brockenbrough, to insert an advertisement in the Virginia newspapers, notifying the public and prospective students that the great day for the opening of its doors was near at hand.[39]

Lafayette had finally come to his "second country" on a triumphal tour. Jefferson welcomed him with public pomp and ceremony to Charlottesville, and with private enthusiasm to Monticello. "But what recollections, dear friend," he wrote Lafayette as soon as he heard of his arrival, "will this call up to you and me! What a history have we to run over from the evening that yourself, Meusnier, Bernau, and other patriots settled, in my house in Paris, the outlines of the constitution you wished! And to trace it through all the disastrous chapters of Robespierre, Barras, Bonaparte, and the Bourbons!"

As for the University, it was still no Athens; "but everything has its beginning, its growth, and end; and who knows with what future delicious morsels of philosophy . . . the world may, some day, be gratified and instructed?" [40]

During his stay in Charlottesville, Lafayette went up to Monticello to eat and drink, sleep and talk of the "good old times" until the small hours of the morning; while officially Jefferson gave a luncheon in his honor in the still unfinished Rotunda of the University and spoke fitting words for the glorious occasion.[41]

Young Ticknor, now teaching at Harvard, revisited Monticello at the end of 1824, accompanied by his wife and the great Daniel Webster. The rising statesman left his own account of the visit, which related largely to his discussions with the elderly ex-President on political matters. Ticknor touched more on the intimate aspects. Both Webster and Ticknor were Federalists—or rather Whigs, as the new amalgam of old Federalists and dissident Republicans were soon to be called—and they had been surprised on first meeting with Madison to discover "a degree of good-sense in his conversation which we had not anticipated from his school of politics and course of life."

But for Jefferson, in spite of his politics, Ticknor had always had a sense of reverence. Returning to the scene of his earlier visit, he found nothing which "marks the residence of an Ex-King." Living with the retired sage were his daughter, Martha J. Randolph, and her four daughters and *their* families. He makes no mention of Thomas Mann Randolph; the split had already occurred.

Going down to the University grounds, Ticknor was struck with their spaciousness and the beautiful architecture of the buildings, so much superior to his own Harvard. He was sceptical of the success of the system that Jefferson proposed, but was willing to watch the experiment unfold.

"Mr. Jefferson," he wrote, "is entirely absorbed in it, and its success would make a *beau finale* indeed to his life. He is now eighty-two years old, very little altered from what he was ten years ago, very active, lively, and happy, riding from ten to fifteen miles every day, and talking without the least restraint, very pleasantly, upon all subjects. In politics, his interest seems nearly gone. He takes no newspaper but the Richmond Enquirer, and reads that reluctantly; but on all matters of literature, philosophy, and general interest, he is prompt and even eager. He reads much Greek and Saxon. I saw his Greek lexicon, printed in 1817; it is much worn with use, and contained many curious notes. . . .

"Mr. Jefferson seems to enjoy life highly, and very rationally; but he said well of himself the other evening, 'When I can neither read nor ride, I shall desire very much to make my bow.' I think he bids fair to enjoy both, yet nine or ten years."[42] Unfortunately, Ticknor's prophecy was not to be fulfilled.

Even the Republicans differentiated between Jefferson and his two successors in the Presidency. As Francis Gilmer was to write: "We adore Mr. Jefferson, admire Mr. Madison, and esteem Mr. Monroe."[43]

CHAPTER 73

The End and the Beginning

AS the year of 1825 dawned, the University was still not opened; and a new headache assailed Jefferson. To his troubles over the chair of Ethics was added a long and exasperating search for someone to assume the much more important—to him—chair of Law.

He offered it first to young Gilmer, recently returned from his mission in England. Gilmer turned it down. "What are we to do?" Jefferson asked in despair of Madison. "I abhor the idea of a mere Gothic lawyer who has no idea beyond his Coke Littleton, who could not associate in conversation with his Colleagues, nor utter a single Academical idea to an enquiring stranger." [1]

He also hated the idea of giving the all-important post to a "Richmond" lawyer. They are "rank Federalists," he cried, "as formerly denominated, and now Consolidationists." But if they had to yield the position to one of them, at least the governing Board had "a duty to guard against danger by a previous prescription of the texts to be adopted." [2]

He was willing enough to leave the question of the proper textbooks in all other fields to the Professors, but *not* in Law. Here he felt that it was essential to indoctrinate the students in accordance with what he conceived to be proper principles. He explained his position on the censorship of texts to Cabell: "There is one branch in which we are the best judges, in which heresies may be taught, of so interesting a character to our own state and to the US. as to make it a duty in us to lay down the principles which shall be taught. It is that of Government. Mr. Gilmer being withdrawn, we know not who his Successor may be. He may be a Richm[on]d lawyer, or one of that school of quondam federalism, now Consolidation. It is our duty to guard against the dissemination of such principles among our youth, and the diffusion of that poison, by a previous prescription of the texts to be followed in their discourse."

Indeed, he was preparing a resolution for the next meeting of the Board of Visitors on the subject; but he proposed not to say a word about it in advance, except to Cabell and Madison. "I have always found," he said significantly, "that the less such things are spoken of beforehand, the less obstruction is contrived to be thrown in their way." [3]

The texts which he now proposed for the School of Law and Civil Polity included Locke's *Essay on Civil Government*, Sidney's *Discourses on Government*, the Declaration of Independence, the *Federalist*, the Virginia Resolutions of 1799, and Washington's Farewell Address. It is the duty of

the Board, so read his resolution, "to pay special attention to the principles of government which shall be inculcated therein, and to provide that none shall be inculcated which are incompatible with those on which the Constitutions of this state, and of the US. were *genuinely based in the common opinion.*" [4]

Jefferson did not italicise that last curious phrase; but it is illuminating. Jefferson seemingly meant by it that the *interpretation* of the Constitutions ought firmly to remain in the hands of those whose beliefs were like his own, and that Marshall's Supreme Court decisions should not be cited in the classroom to the opposite effect.

Madison cautiously concurred in Jefferson's conception of the way in which to teach "the true doctrines of liberty as exemplified in our Political System"; though he expressed some critical doubts as to the orthodox texts to be employed.[5]

The search for a proper Law Professor continued unabated. Jefferson peremptorily rejected a proposal to call in James Kent, the great New York judge and later author of the classic *Commentaries*. For Kent was a Federalist and, avowed Jefferson, "an angel from heaven who should inculcate such principles in our school of govmt should be rejected by me." [6]

The chair of Ethics was finally accepted by George Tucker, but the chair in Law continued a headache. It was offered in turn to sound Republicans like Judge Philip P. Barber, Henry St. George Tucker, Judge Dabney Carr, Judge William Dade and a host of others; but all refused unless it was not to be a full-time job.[7] On this, however, Jefferson remained adamant.

Finally, his pressure on Francis W. Gilmer became so unrelenting that the young man reluctantly accepted, and the search was ended.[8]

In the interim, there had been a national election, and John Quincy Adams received a plurality over his rivals, General Andrew Jackson, Henry Clay and William H. Crawford, to the last of whom Jefferson had privately inclined. Since no one had a majority, the election was thrown into the House where, through the efforts of Clay, John Quincy Adams was chosen. Jefferson sent formal congratulations to John Adams, the father of the new President, and much more sincere condolences to Crawford. What had happened in the Congressional balloting, he confided, had "very much damped" his confidence in the discretion of his friends, and disclosed their ignorance of character and inattention to the right qualifications. It all argued ill for the future, he concluded gloomily. Perhaps it was time for him to "exit" from the human stage.[9]

Of this dichotomy, fortunately, old John Adams knew nothing. He received the congratulations for his son at face value and with a feeling of solid comfort. "I look back with rapture," he exclaimed in reply, "to those golden days when Virginia and Massachusetts lived and acted together like a band of brothers and I hope it will not be long before they may say

redeunt saturnia regna when I hope the world will hear no more of Hartford Convention or Virginia Armories." [10] He did not live long enough to witness the blighting of his hopes.

The election of the younger Adams as a "Consolidationist" and the rise of a new spirit of nationalism caused Jefferson some unhappy moments. He thought he saw a trend in the new coalition of Eastern and Western States toward a greater centralization and a breach in the rigid principle of the division of authority between the Federal Government and the States. He could only hope that the current majority would eventually see the error of its ways and return to "the old principle of a limited government." [11]

The occasion for these animadversions on the future was a request from an old Virginia neighbor who had emigrated to Kentucky and found himself involved in a hot political squabble over paper money and debtors' relief laws. The name of Jefferson had been used by the proponents to inculcate "unsound principles." Would Jefferson deny them?

Jefferson evaded taking any position in the controversy. "Quiet is my wish," he replied, "with the peace and good will of the world. With its contentions I have nothing to do." [12]

Thus dismissing the world—as he had been in the habit of doing for decades whenever it suited his purpose—Jefferson concentrated all his attention on the University.

For a while the fantastic chapter of hostilities and accidents that had dogged the University from the beginning seemed without end. William and Mary threatened to move to Richmond and become a powerful rival. The five intrepid professors who had embarked from England had not yet been heard from and were feared lost at sea. A steady rain set in and turned all roads leading into Charlottesville into impassable swamp.

The University had been scheduled to open on February 1, 1825; but the red-letter day came and went without a sign. Students who had intended enrolling despaired of the new institution and went elsewhere.

On March 7th, however, all the obstacles had been surmounted. The legislature refused William and Mary's petition. The missing faculty turned up safe and sound. A final donation from the legislature permitted the purchase of a library and laboratory equipment. And, even though the rains continued, determined students came straggling in by twos and threes. Since the stages could not get through the boggy roads, they hired horses to plod knee-deep in mud. Fifty to sixty of these hardy pioneers were present by the opening day.[13]

Fruition was at hand to half a century of dreams and unremitting labors. Yet all was still not well. The schools of Languages and of Mathematics had about thirty students each; but the school of Natural Philosophy was sparsely attended. Very few of the young men had a sufficient grounding

in mathematics. And "they are half idle," complained Jefferson, "all for want of books." [14]

But somehow or other the University slowly pushed forward. Each day saw several more students come straggling in and by the end of June, some ninety were in attendance. Jefferson thought them "a very fine parcel of young men, but so defectively prepared, that we have been obliged for the present year, to relax in our laws of reception." Nevertheless he exulted that "our scale of educ[atio]n comprehends every branch of useful knowledge, and our Professors are of the first order of science, so that I hope it will prove a great blessing to my country." [15]

He realized to the full the parlous state of education in Virginia, and he refused to adopt the provincial outlook of some of his neighbors in sneering at what they called "imported science." He would ask it from "every soil," he avowed. Nor were the regular classical studies in a better state. The teachers in the Latin schools of Virginia, he insisted, were of such poor caliber that they would not have been able to qualify even as sophomores in the English schools of Eton and Westminster.[16]

For all his talk of electives and treating the students as mature young men who knew what they wanted and could choose freely for themselves, Jefferson proved a rigid disciplinarian as Rector of the University. The single vacation which he permitted the scholars during the entire year was the month and a half between December 15th and January 31st. When the students asked for an additional ten days beginning on July 4th, the petition was refused. He disapproved of too many vacations, wrote Jefferson; they break up the continuity of studies and represent an irreparable loss of time for young men.[17]

An application was made to teach dancing and the use of the small sword to the boys. He approved of the first, but not of the second. "Dancing," he commented, "is generally, and justly I think, considered among *innocent* accomplishments; while we cannot so consider the art of stabbing and pistolling our friends, or dexterity in the practice of an instrument exclusively used for killing our fellow-citizens *only* and never against the public enemy." [18]

But Jefferson failed to realize that young men—and particularly Virginia young men—can not be subjected to overstrict restraints without an explosion. On October 1st, a group of fourteen students got uproariously drunk, masked themselves and sallied riotously out upon the campus. Two Professors, George Long and Thomas H. Key, sought to intervene; but were met with insulting language and a hail of brickbats.

The next day the faculty met in solemn conclave and demanded the names of the rioters from the general student body. The students refused in a written statement that added insult to injury. Whereupon the two aggrieved Professors tendered their resignations. The Board of Visitors, hurriedly convened by Jefferson, refused to accept the resignations and descended upon the campus in stately array. At their presence, the guilty

fourteen finally stepped forward. Three were expelled and the others suspended or reprimanded. The disorder, which must have reminded Jefferson of his own student days, was ended; the honor of the Professors was satisfied; and peace descended on the campus.[19]

A few days later Jefferson could report with satisfaction that everything was running smoothly; that "the Students are attending their schools more assiduously, and looking to their Professors with more respect." By February of the following year, there were 150 in attendance, and the University could be said to be flourishing.[20]

Unfortunately, Jefferson's health during this period was rapidly deteriorating. One of the students, Matthew Maury, was shocked at the alteration in his appearance and feared that he could not long survive. He suffered from diabetes, was unable now either to walk or ride over 200 yards, and his memory began to fail.[21] Dr. Dunglison, the imported professor who taught anatomy at the University, treated the ailing Rector for a while with good results, but the complaint kept recurring. Dunglison refused to accept payment for his services; but Jefferson insisted. "The fragment of life remaining to me," he wrote to the doctor, "is likely to be past in sickness and suffering. The young physicians in our neighborhood will probably be good ones in time. But time & experience as well as science are necessary to make a skilful physician, and Nature is preferable to an unskilful one." He wished to avail himself of Dunglison's skill and experience; but only if he would consent to be paid.[22]

"Eighty two years old," wrote Jefferson painfully and despondently to Samuel Smith, "my memory gone, my mind d[itt]o, for over five months confined to the house by a painful complaint, which, permitting me neither to walk nor to sit, obliges me to be constantly reclined, and to write in that posture, when I write at all." Smith had asked his advice as to certain legal matters. "I am dead as to that," he ended, "and my friends and the world must so consider me." [23]

Yet such was the resiliency of his nature that at the first reprieve in his condition, Jefferson emerged from gloom and foreboding to his more natural state of optimism. A month later, he was bragging over his excellent eyesight and his continued reading of the classics which, he averred, he unwillingly laid aside to take up a current book.[24]

Age merely fortified him in his materialistic philosophy and abhorrence of "all metaphysical reaching. . . . The business of life," he asserted, "is with matter. That gives us tangible results. Handling that, we arrive at the knolege of the axe, the plough, the steam-boat, and everything useful in life. But, from metaphysical speculations, I have never seen one useful result." [25]

Nor, in spite of his pathetic dismissal of himself from the affairs of the world in October, did his mind in December show any relaxation of its former keenness. The growing tide of public opinion in favor of federal

action on internal improvements alarmed him, and he drafted a "Solemn Declaration and Protest of the Commonwealth of Virginia" which he sent to Madison for adoption by the legislature.

Virginia, the Declaration asserted, reaffirmed the historical division of powers between the Federal and State governments. It viewed with apprehension the recent usurpations of the former and its claim "to construct roads, open canals, & effect other internal improvements within the territories and jurisdictions exclusively belonging to the several states." Once more Virginia was to disavow "as most false and unfounded" the doctrine that the right to levy taxes and provide for the general welfare gave the general government unlimited powers.

Virginia, however, so Jefferson added, did not wish to "raise the banner of disaffection, or of separation from their sister-states." Yet the threat was plainly there, unless the Federal Government retracted.

Jefferson was willing enough to give to the central government a power over internal improvements, *provided* the power was granted by a Constitutional amendment, and *provided* it was "sufficiently guarded against abuses, compromises, and corrupt practices, not only of possible, but of probable occurrence." [26]

But the Resolution was never put before the Assembly. The current, which seemed to have been running so strongly just a week before, now suddenly shifted. Jefferson suppressed his solemn statement and advised that Virginia adopt a wait-and-see attitude.[27]

If the whole affair may seem to have been a tempest in a teapot, it must be remembered that even today certain of the states and influential private groups are contesting a proposed plan of federal aid to education on the same grounds—that it represents an encroachment on the sovereignty of the States. There was also a fear in the minds of Jefferson and others more extreme than he. Where would such an exercise of power stop? Internal improvements were well enough; but would not the next step be an inference in the "local" problem of slavery?

If trouble was thus ominously visible on the public horizon, disaster struck Jefferson more intimately at home. The long pending affair of his son-in-law, Thomas Mann Randolph, had finally come to a head. Randolph's personal finances had steadily been on the downgrade; by the middle of 1825 it was obvious that they were "beyond recovery." Jefferson, with his own finances in an almost equally desperate state, could do nothing to help. Randolph's mind, already unbalanced, now snapped almost completely. He blamed Jefferson for his supposed refusal to extend aid; he thought that everyone, including his own wife and children, were hostile and secretly in alliance against him. Brooding on his fancied wrongs, he secreted himself alone in a small home on the edge of the estate, and refused to see family or friends.

Jefferson was sick at heart. His sole remaining daughter was unhappy;

the children, now chiefly grown, were at loggerheads; and the whole warm refuge of family life he had laboriously built for himself during the previous years was now tumbling about his ears. He made a last desperate and moving appeal to Randolph. He explained why it was impossible for him to sink what little funds and unencumbered property he had in the bottomless morass of Randolph's debts. Others were in similar trouble at the time, he pointed out. It was due, "not by their own errors, but by that of our legislators, in subjecting the proportions between the money of the country, and its other property to the gambling operations of money brokers."

Let Randolph go into bankruptcy, he suggested, and he would then offer all he had to "the comfortable maintenance of yourself and the family, and to a future provision for them. I have no other use for property." Only return to the bosom of your family, he begged Randolph, and "resume the place in society which is still yours." [28]

Randolph replied in what was evidently a repetition of his dark accusations against Jefferson, his wife and everyone else. The letter, however, has vanished, and it is probable that Jefferson destroyed it as unfit for future eyes. It is known, however, that Randolph accused his father-in-law of indifference or worse to his plight. Jefferson explained that his reserve was not unfriendly, but merely a delicacy against intermeddling; and that increasing deafness often made it impossible for him to hear what was being said at the table. Nor had he been annoyed, as Randolph seemingly believed, at the latter's public employment of some of Jefferson's political sentiments during the trial of a case. "Let me beseech you, dear Sir," he concluded, "to return and become again a member of the family . . . rather than to continue in solitude, brooding over your misfortunes." [29]

But Randolph's mental condition was too far disordered for explanation or appeal. He continued to brood over his wrongs and his mind continued to darken. Jefferson tried again to get him to return at the beginning of 1826. Randolph returned no answer; merely scrawling at the bottom of the letter a note that betrays only too well the strength of his persecution complex.

"I never slept a night from Monticello while my wife was there. But I left it early & returned after dark. After my misfortune I wished to avoid the supercilious looks of Mr. Jefferson's various guests. I still had the house in which I had so long kept my books & papers. Thither I went at an early hour every day & constantly returned when I could cross the river or the rains were not too heavy to brave." [30]

Having failed in all his attempts to effect a reconciliation, Jefferson made certain in his will that his own estate was sufficiently protected against the machinations of his son-in-law and held intact for the benefit of his wife and their children. But he failed to reckon with the cunning and pertinacity of a diseased mind.

Two days after Jefferson's death, Nicholas P. Trist, one of his executors,

hearing of some measures that Randolph contemplated, evidently sought to dissuade him from his course. Randolph was not to be dissuaded, though he *did* halt an intemperate letter he had intended to send to poor Martha in her bereavement. "As I do not consider myself a member of the family at all," he replied to Trist, "and cannot reside at Monticello again, I do not feel myself bound to consult with any member of it upon what I do, or what I write, or what I say." [31]

Young Thomas Jefferson Randolph, his son and Jefferson's favorite grandson, complained on July 28, 1826, that he was "in a perfect hell of trouble . . . my father having filed the most atrocious bill against me, charging every form and variety of fraud to set aside the sale of his property and making it an act of duty to my own character to allow him another term to bring forward his proofs." [32]

The senior Randolph failed to pursue his legal action, and almost two years later both his family and the executors were still trying to convince him to return to them. He yielded sufficiently to take up quarters in the north pavilion at Monticello, but made it a condition that he live wholly by himself, "in his room, at his own charge, making no part of the family, and receiving nothing from it in any way whatever."

When these remarkable conditions were met, he returned to the theme of his solitude, which he required for "mental quietude. . . . I must acknowledge," he ended, "that it is painfull to me in a family, because it constantly recalls past scenes which it is better for me to forget." [33]

On such a note did Jefferson's dreams of family solidarity end.

It was not enough that Jefferson had Randolph's financial and mental state to contend with; there were his own financial difficulties that could no longer be evaded. The bankruptcy and death of Wilson Cary Nicholas, which left him liable on his endorsements, coupled with the failure of his estates to meet his regular obligations, brought matters to a climax. Young Thomas Jefferson Randolph, his grandson, to whom he had confided the management of his affairs, finally acknowledged defeat in his efforts to cope with the situation.

As disaster stared him in the face, Jefferson clutched at a possible method of relief. Bankruptcy was impossible; his lands were already mortgaged to the hilt, and his daughter and his many grandchildren would thereby be left penniless. But why not put up the property at a lottery? Thereby, he thought, a sum could be realized sufficient to pay mortgages and debts and still leave a comfortable excess for the benefit of his family. The winners would get the lands, the slaves and the other appurtenances.

The consent of the legislature was necessary for the running of a lottery, but Jefferson saw no reason why it could not be obtained. The scheme would injure no one, while to him "it is almost a question of life and death." In January, 1826, therefore, he sent his grandson to Richmond to seek the necessary bill of authorization.[34]

Cabell pledged his help, and a meeting was called at which most of the Judges of the Court of Appeals attended to offer their services. A bill was drafted for immediate introduction into the legislature.[35]

Meanwhile Jefferson drew up a most curious disquisition on Lotteries, evidently for use in connection with the application. Their morality, he wrote, was unimpeachable, and they had received official approval on many former occasions. He recapitulated his own career, and the services he had rendered the nation and the state; alleging that his present hardships were due solely to the extended absences from his private affairs occasioned by his public activities.

The service which most entitled him to the gratitude of Virginia, he asserted, had been his action when Vice-President (in conjunction with Gallatin) in holding the Republicans in Congress in line against Federalist usurpations until the state legislatures of Virginia and Kentucky, "by their celebrated resolutions, saved the constitution at its last gasp. No person who was not a witness of the scenes of that gloomy period," he wrote, "can form any idea of the afflicting persecutions and personal indignities we had to brook. They saved our country however." All that he now asked in return was permission to employ a lottery which would not cost the state a single cent.[36]

Thus, in his dire extremity, was Jefferson compelled to abase himself and recall himself to the gratitude of his country, like any old soldier begging for bread and showing his wounds.

Should his application be denied, he told Cabell pathetically, "I must sell house and all here and carry my family to Bedford where I have not even a log hut to put my head into." If granted, "I can save the house of Monticello and a farm adjoining to end my days in and bury my bones." [37]

But the news that came from Richmond dashed his hopes. Opposition had been steadily growing to give permission for lotteries, and even Jefferson's political friends were indisposed to make an exception in his behalf. Cabell and some others thought instead to grant him an interest-free loan from the State in the sum of $80,000 to run for the remainder of his life, but that was abandoned as impracticable.[38]

Jefferson's mortification was extreme. He realized now, what too many have realized before and since, that nations and public bodies can speedily forget their heroes and that gratitude is not a marketable commodity. "It is a part of my mortification," he wrote his grandson, "to perceive that I had so far overvalued myself as to have counted on it with too much confidence. I see in the failure of this hope, a deadly blast of all my peace of mind, during my remaining days." [39]

Cabell and other staunch friends of Jefferson in the Assembly, however, refused to relax their efforts. The lower House finally and reluctantly, by a bare majority of four votes, granted leave to bring in the lottery bill on February 9th. Cabell was furious at the slim margin of the victory. "I blush for my country," he cried, "and am humiliated to think how we shall

appear on the pages of history." But on the 20th, he was able to write exultantly that the Senate opposition had collapsed. The measure went through by thirteen votes to four; and became "a law of the land." [40]

With the legal hurdles surmounted, the next step was to put the lottery into operation. A board of three managers was appointed, and an advertisement appeared in the Richmond *Enquirer*, offering tickets in the "Jefferson Lottery" for sale.[41]

But the sale did not catch on. The returns were so disappointing that indignant friends sought to raise money by straight public subscription. Young Thomas Jefferson Randolph journeyed north to arouse interest; Governor John Tyler of Virginia, stung at the ingratitude of his fellow Virginians, presided at public meetings where, as he later ironically related, "we had eloquent speeches and the expenditure of a vast deal of breath, but that was all. The money did not come." [42]

The North was more generous than his own state. Pledges came in from New York, Philadelphia, Baltimore and elsewhere in varying sums. It may be, as his biographer, Randall, was to write, that Jefferson died in the happy belief that enough funds had been raised to save his estates from seizure by creditors. Actually, some of the pledged money never materialized, and what did was not sufficient to pay his enormous debts. These amounted to the staggering sum of $107,273.63.[43]

It was well that Jefferson did not foresee the mournful vicissitudes that overtook his beloved Monticello. Almost a century was to pass before the ruined and overgrown mountaintop, passing through alien hands, was finally restored to its pristine splendor by the indefatigable efforts of a group of associated Jeffersonian disciples.

The days of the Sage of Monticello were now numbered. As his eighty-third birthday approached, his health rapidly failed. Arthritis, rheumatism and chronic diarrhea sapped his vitality. On March 19, 1826, feeling the end not far off, he made his will. Hopeful that all, or most of his lands could still be saved, he devised the western part of Poplar Forest to Francis Eppes, the son of his deceased daughter, Maria. He commended his aged sister, the widowed Anna Scott, to Martha's care. To Madison he left his "gold-mounted walking stick of animal horn"; to the University of Virginia those of his books of which it had no duplicates; to his grandson, Thomas Jefferson Randolph, his literary and other papers. To three slaves he gave their freedom, and to two apprentices a similar emancipation on reaching twenty-one.

His particular fear was that his son-in-law, the embittered and half-insane Thomas Mann Randolph, might lay hands on the estate. With great care, therefore, he bequeathed the entire remainder of his possessions to his grandson and his friends, Nicholas P. Trist and Alexander Garrett, to hold in trust during Thomas Mann's lifetime, "for the sole and separate use

and behoof of my dear daughter Martha Randolph, and her heirs," with the fee going to her on the death of her alienated husband. But Jefferson tenderly commended the broken man to her care and protection as long as he lived.[44]

As for himself, he wished only a simple grave in the little burial plot on the mountainside, with a plain monument overhead. "Could the dead feel any interest in Monuments or other remembrances," he wrote in his instructions, quoting a line from Anacreon in the original Greek, "the following would be to my Manes the most gratifying."

Drawing with a still steady hand a picture of what he wished, he described it also in words:

> On the grave, a plain die or cube of 3. f. without any mouldings, surmounted by an Obelisk of 6. f. height, each of a single stone: on the faces of the Obelisk the following inscription, & not a word more:
>
> *Here was buried*
> *Thomas Jefferson*
> *Author of the Declaration of American Independance*
> *of the Statute of Virginia for religious freedom & Father*
> *of the University of Virginia.*

He gave no reason for choosing these three particular events out of all the achievements of a long, fruitful and magnificent life; simply that, "because of these, as testimonials that I have lived, I wish most to be remembered. [The Monument] to be of the coarse stone of which my columns are made, that no one might be tempted hereafter to destroy it for the value of the materials. My bust by Ceracchi, with the pedestal and truncated column on which it stands, might be given to the University if they would place it in the Dome room of the Rotunda. On the Die of the Obelisk might be engraved:

Born Apr. 2, 1743 O. S.
Died ——[45]

The Declaration of Independence, the Statute for Religious Freedom, and the University of Virginia. These were the landmarks of his life in Jefferson's own mind; these were the things through which he wished to go down to posterity. Not his Governorship, nor his years as Secretary of State, nor his Presidency. Not even the purchase of Louisiana.

The set of his thought is clearly discernible. He chose unerringly those points in his career when he performed some service in the unending struggle for the liberation of the human mind. Freedom from political tyranny, freedom from religious tyranny, and finally, as the capstone and climax, freedom through education from *all* the tyrannies that have ever clouded and restrained the human spirit in its march down the ages toward an indefinitely approachable perfectibility.

Jefferson may have been unduly optimistic; but he was optimistic in the noblest of causes. Freedom! Liberty! The words may today have lost some of their original luster in the darkened aspect of the world, but to Jefferson they burned with a pure and holy flame. Of man's ultimate victory he had no doubts; and he died steadfast in the conviction that the future must inevitably be good.

His instructions were religiously followed, and the blank date was eventually filled in. But the precautions which Jefferson took against vandalism proved unavailing. The valueless stone was overthrown and broken; and today a careful copy rears its pointed head in the tiny graveyard—the shrine and goal of thousands of visitors from every point of the inhabited globe.

With his house thus set in order against eternity, with his body racked with impending dissolution, Jefferson nevertheless kept up his activities almost to the final day.

A political legislature refused by an overwhelming vote any further funds for the University. The day he heard the news, Jefferson mounted horse, rode down the mountain to the campus and ordered all work to cease except on the "circular room for the books, and the anatomical theater." [46]

Two months later, however, the work was still continuing, though at a very slow pace. By this time—it was May 20th—Jefferson was no longer able to make the long trip down into the valley, and he sent notes instead of "strong urgency." The great Dome was leaking, the wells had failed, and the faculty demanded gas light instead of oil lamps. "A stimulus must be applied, and very earnestly applied," he exhorted General Cocke, one of his fellow members on the Board of Visitors, "or consultations and orders are nugatory. Come then, dear Sir, to our aid as soon as possible." [47]

His mind was still alert, but his physical powers were fast failing. Yet he persisted, against all the expostulations of his family, in riding almost to the very end. He would be lifted upon the back of his favorite steed, Old Eagle, aged like his master, and would ride alone about the grounds.[48]

Almost to the end, too, requests still were made on him to exercise his supposed influence with the national government to obtain office for the applicants. He turned them down with bitter explanation: "I had worn out the knees of my pantaloons in the humiliating posture of an eternal suppliant at the feet of the govmt begging favors for others. I became tired of it, and thought I ought at length to pay some respect to my own character and to rise from the ground. Since that time I have sollicited for nobody nor answered any letters requesting me to resume that painful attitude." [49]

By June, he could barely hobble, though he continued to ride. On June 12th, he watched a "shew of horsemanship." On June 13th, he purchased a book. And, on June 21st, he wrote his last memorandum in the final

account book: "Isaacs for cheese 4.84." [50] From that day on, he wrote no more.

Life was ebbing now. In far-off Braintree, another life was coming to a close—John Adams. It was a grim and tragic race for these two old warriors of an earlier and fabulous era. June waned and July brought its blazon of summer flowers and heat.

On the Fourth of July, 1826, while jubilant bells tolled the tidings of that earlier Fourth when the Declaration of Independence was announced to the world, John Adams quietly passed away. His last words were: "Thomas Jefferson still survives!" [51]

He was wrong. At ten minutes before ten in the morning, on that same Fourth of July, at Monticello, the author of the Declaration had already departed. He went peacefully, and in the presence only of Alexander Garrett and Colonel Carr. Throughout the nation, there were holiday rejoicings over the sign manual of the independence it had achieved; but the two men who had done so much to bring it about lay dead. As the news slowly percolated through towns, hamlets and countryside, the nation turned to mourning and grief, knowing that a great era had at last come to an end.

In Monticello, Garrett and Carr unskillfully laid the mortal remains of Jefferson out in a shroud, and performed the last sad offices. Martha, the sole remaining daughter, shed no tears, though it would have been better for her had she been able to find release. Family, friends and slaves moved in an atmosphere of hush and silence.

Down in the valley, at the University that was his visible monument, the students held a meeting in the Rotunda he had builded to testify to their great loss. Most of the young men had known him personally, and had partaken of his generous hospitality up the mountain. "I never saw young men so deeply affected by any circumstance in my life," wrote an observer.[52]

Late in the afternoon of the following day, to the accompaniment of scattered rain, the body was laid in its burial plot with a brief service by the Episcopalian clergyman of the parish. Aged eighty-three, after one of the most extraordinary lives in history, Thomas Jefferson had departed from the mortal stage and assumed his place among the immortals.

Notes, Volume II

CHAPTER 39

[1] Horatio Gates to Jefferson, Jan. 5, 1794; Gates Papers, N. Y. H. S.
[2] *Literary Diary of Ezra Stiles,* May 21, 1794, III, 524.
[3] Weather Bk., Jan. 22, Mar. 11, 17, Apr. 2, 1794; LC.
[4] Jefferson to Gates, Feb. 3, 1794; Gates Papers, N. Y. H. S.
[5] Jefferson to Edmund Randolph, Feb. 3, 1794; *Works,* Ford, VIII, 137-9.
[6] Land roll of slaves, Nov., 1794; Farm Bk., Mass. H. S. Randall, *Jefferson,* II, 237-8.
[7] Farm Bk., 1794; Mass. H. S.
[8] *Garden Book,* 208-9.
[9] Jefferson to John Taylor, May 1, 1794; *Works,* Ford, VIII, 145-6.
[10] "Plan for Garden"; Dreer Coll., Pa. H. S.
[11] Farm Bk., Mass. H. S.
[12] Jefferson to Madison, Feb. 15, 1794; Madison Papers, LC., v. 17, p. 20. This section is omitted from printed version in *Works,* Ford, VIII, 139.
[13] Acct. Bk., Nov. 18, 1794; N. Y. Pub. Lib.
[14] Jefferson to Adams, Apr. 25, 1794; *Works,* Ford, VIII, 144-5.
[15] "Diary for 1795"; Farm Bk., Mass. H. S. Jefferson to Edmund Randolph, Sept. 7, 1794; *Works,* Ford, VIII, 152-3.
[16] Jefferson to John Taylor, Dec. 29, 1794; *Writings,* Mont., XVIII, 197.
[17] "Report on Commerce" [Dec. 16, 1793]; *Works,* Ford, VIII, 98-117.
[18] Richard Peters to Jefferson, Mar. 13, 1794; Jefferson Project, Princeton Univ.
[19] Jefferson to Madison, Apr. 3, 1794; *Works,* Ford, VIII, 141-3.
[20] Jefferson to Monroe, Apr. 24, 1794; *ibid,* VIII, 143-4. Madison had written the details in a letter to Jefferson dated Apr. 14, 1794; Madison Papers, LC., v. 17, p. 51.
[21] Adams to Jefferson, May 11, 1794; Jefferson Papers, LC., v. 97, p. 16633.
[22] Jefferson to Tench Coxe, May 1, 1794; *Works,* Ford, VIII, 147-8.
[23] Jefferson to Madison, May 15, 1794; *ibid,* VIII, 150-2.
[24] Jefferson to Madison, Oct. 30, 1794; Madison Papers, LC., v. 17, p. 89.
[25] *Gazette of the U. S.,* Aug. 7, Sept. 6, 1794.
[26] Jefferson to Giles, Dec. 17, 1794; *Works,* Ford, VIII, 155.
[27] Jefferson to Madison, Dec. 28, 1794; *ibid,* VIII, 156-9.
[28] Washington to Henry Lee, Aug. 26, 1794; Washington, *Writings,* XXXIII, 479.
[29] Edmund Randolph to Jefferson, Aug. 26, 1794; Jefferson Papers, LC., v. 97, pp. 16675-6.
[30] Jefferson to Edmund Randolph, Sept. 7, 1794; *Works,* Ford, VIII, 152-3.
[31] Jefferson to Henry Remsen, Oct. 30, 1794; Franklin Papers, Yale Univ. (copy).
[32] Jefferson to Wythe, Oct. 24, 1794; Jefferson Papers, LC., v. 98, p. 16749.
[33] Farm Bk., 1795; Mass. H. S. Jefferson to Martha J. Randolph, Jan. 22, 1795; Jefferson Papers, Morgan Lib.
[34] Jefferson to James Brown, Apr. 18, 1795; *Works,* Ford, VIII, 166-7. To same, May 7, 1795; Jefferson MSS., Va. H. S.
[35] Jefferson to M. de Meusnieur, Apr. 29, 1795; *Works,* Ford, VIII, 173-6.
[36] Jefferson to Henry Knox, June 1, 1795; Jefferson Papers, LC., v. 98, pp. 16868-9. See also to Wythe, Apr. 18, 1795; *ibid,* v. 98, p. 16840.
[37] Jefferson to Maria Cosway, Sept. 8, 1795; to Mme. de Tessé, Sept. 6, 1795; both in Jefferson Papers, LC.
[38] Rochefoucauld-Liancourt, *Travels through the U. S.* (London, 1799), 69 ff.
[39] Jefferson to Madison, Feb. 23, 1795; Madison Papers, LC., v. 18, p. 28. Madison to Jefferson, Mar. 23, 1795; *ibid,* v. 18, p. 35.
[40] Washington to Jefferson, Mar. 15, 1795; Washington, *Writings,* XXXIV, 146-9.
[41] "Notes on Professor Ebeling's letter of July 30, 1795" (undated, but Ebeling's letter

is marked received, Oct. 15, 1795); Jefferson Papers, LC., v. 98, pp. 16893-5. Ebeling's request is in *ibid*, v. 98, pp. 16898-901.

[42] Adams to Abigail Adams, Feb. 8, 1796; Adams, *Letters to his Wife*, II, 195.

[43] Hammond to Grenville, Aug. 3, 1794; Hammond Corresp., N. Y. Pub. Lib.

[44] "Notes on Jay's Treaty"; Jefferson Papers, LC., v. 98, pp. 16750-9. For Jefferson's views on the Treaty, see his letters to Monroe, Sept. 6, 1795 (*Works*, Ford, VIII, 186-9) and to Mazzei, Sept. 8, 1795 (Jefferson Project, Princeton Univ.).

[45] Jefferson to Madison, Sept. 21, 1795; *Works*, Ford, VIII, 191-3. Jefferson thought that the pamphleteer "Curtius" was Hamilton in another disguise. Actually it was Noah Webster.

[46] Jefferson to Giles, Dec. 31, 1795; Jefferson Papers, Morgan Lib. Printed with some minor errors in *Works*, Ford, VIII, 201-4.

[47] *Ibid.*

[48] Jefferson to Edward Rutledge, Nov. 30, 1795; Rutledge Papers, Pa. H. S. See also to Mazzei, *supra;* to Tench Coxe, Sept. 10, 1795; *Works*, Ford, VIII, 189-90.

CHAPTER 40

[1] Farm Bk., Apr. 26, 1796; Mass. H. S.

[2] Jefferson to T. M. Randolph, Jan. 18, 1796; Jefferson Papers, LC., v. 99, p. 17028.

[3] Jefferson to Archibald Stuart, Jan. 3, 1796; *Works*, Ford, VIII, 212-14.

[4] Jefferson to Wythe, Jan. 16, 1796; *ibid*, VIII, 214-18.

[5] *Transactions of the Amer. Philos. Soc.*, v. 4, no. 30, pp. 246-60.

[6] Jefferson to Archibald Stuart, May 26, 1796; *Va. Mag.*, VIII, 122.

[7] Jefferson to Benjamin Hawkins, Mar. 22, 1796; Jefferson Papers, LC., v. 100, pp. 17093-4. To Volney, Apr. 10, 1796; *ibid*, v. 100, p. 17120. To T. M. Randolph, *ibid*, v. 100, p. 17121. To Martha J. Randolph, Feb. 14, 1796; Jefferson Papers, Morgan Lib.

[8] Jefferson to Hawkins, *supra*. For an extended study of Jefferson's plans see F. Kimball, *Jefferson—Architect, passim.*

[9] Jefferson to Giles, Mar. 19, 1796; Randall, *Jefferson*, II, 302. To T. M. Randolph, Nov. 28, 1796; Jefferson Papers, Mass. H. S. To Martha J. Randolph, Mar. 27, 1797; Jefferson Papers, Morgan Lib.

[10] Jefferson to Maria J. Eppes, Mar. 8, 1799; S. N. Randolph, *Domestic Life*, 257.

[11] Jefferson to Monroe, Mar. 21, 1796; *Works*, Ford, VIII, 229-30.

[12] Jefferson to Madison, Mar. 27, 1796; *ibid*, VIII, 230-2.

[13] Jefferson to Mazzei, Apr. 24, 1796; Jefferson Papers, LC., v. 100, pp. 17129-31. Printed in *Works*, Ford, VIII, 235-41, with changes in punctuation. See also *Wm. & Mary Quart.*, 2nd ser., XXII, 28-9.

[14] *Works*, Ford, VIII, 238-40 n.

[15] Jefferson to Washington, June 19, 1796; *ibid*, VIII, 245-9.

[16] Washington to Jefferson, July 6, 1796; Washington, *Writings*, XXXV, 118-22.

[17] Jefferson to Madison, Aug. 3, 1797; *Works*, Ford, VIII, 331-4.

[18] Madison to Jefferson, Aug. 5, 1797; Madison Papers, LC., v. 20, p. 58.

[19] Washington to John Langhorne, Sept. 25, 1797; John Nicholas to Washington, Oct. 15, Dec. 9, 1797, enclosing a copy of note from Peter Carr to John Scott; Washington, *Writings*, XXXVI, 52-3.

[20] Washington to John Nicholas, Mar. 8, 1798; *ibid*, XXXVI, 182-3.

[21] Jefferson to Monroe, June 12, 1796; *Works*, Ford, VIII, 243-5.

[22] Madison to Jefferson, May 22, 1796; Madison Papers, LC., v. 19, p. 68.

[23] Beckley to Madison, June 20, 1796; Madison Papers, N. Y. Pub. Lib.

[24] Jefferson to Jonathan Williams, July 3, 1796; *Works*, Ford, VIII, 249-51.

[25] Beckley to Monroe, Oct. 17, 1796; Monroe Papers, N. Y. Pub. Lib.

[26] Jefferson to T. M. Randolph, Nov. 28, 1796; Jefferson Papers, LC., v. 95, p. 16280.

[27] "Deed of Trust," Nov. 21, 1796; *ibid*, v. 101, pp. 17247, 17250.

[28] Madison to Jefferson, Dec. 5, 1796; Madison Papers, LC., v. 19, p. 104.

[29] Madison to Jefferson, Dec. 10, 1796; *ibid*, v. 19, p. 106.

[30] Madison to Jefferson, Dec. 25, 1796; *ibid*, v. 19, p. 112.

[31] Jefferson to Madison, Dec. 17, 1796; *Works*, Ford, VIII, 254-6.

[32] Jefferson to Edward Rutledge, Dec. 27, 1796; *ibid*, VIII, 256-9.

[33] *Philadelphia General Advertiser (Aurora)*, Dec. 2, 1796.

[34] *Ibid,* Dec. 12, 1796.
[35] *Ibid.* See *N. Y. Times,* July 19, 1948.
[36] Jefferson to T. M. Randolph, Jan. 9, 1797; Jefferson Papers, LC., v. 101, pp. 17286-7. "Summary of his public services" [Sept. 1800?]; *ibid,* v. 219, p. 39161. Since neither of these important documents has been published in full (Ford printed part of the "Summary" and omitted the postscript), it might be well to quote from the latter. The subject of the contested election had been revived in a campaign biography of Jefferson which appeared in Pleasant's newspaper of Sept. 2, 1800. "The writer," Jefferson commented, "speaks of one false return & the suppression of another preventing my being declared President. I know not on what this is founded. The return of 2. electors on the republican ticket of Pensvā was delayed artfully so that two from the Federal ticket, who were *in truth* not elected at all, gave their votes: one of these however voted for me, so that I lost but one vote by that maneuvre. This made an apparent difference of 2. viz. 68 & 71, when the real vote was 69. & 70. so that mr Adams was duly elected by a majority of a single voice."
[37] Madison to Jefferson, Jan. 8, 1797; Madison Papers, LC., v. 20, p. 4.
[38] Madison to Jefferson, Dec. 19, 1796; Madison, *Writings,* VI, 296-302.
[39] Jefferson to Adams, Dec. 28, 1796; *Works,* Ford, VIII, 259-61 (original in Emmet Coll., N. Y. Pub. Lib.).
[40] Jefferson to Madison, Jan. 1, 1797; *ibid,* VIII, 262-4.
[41] Madison to Jefferson, Jan. 15, 1797; Madison Papers, LC., v. 20, p. 9. Madison kept Jefferson's letter, and permitted Nicholas P. Trist to make a copy of it in 1827.
[42] Jefferson to Madison, Jan. 30, 1797; *Works,* Ford, VIII, 279-80.
[43] Adams to Dalton, Jan. 19, 1797; Emmet Coll., N. Y. Pub. Lib.
[44] Jefferson to Madison, Jan. 22, 1797; *Works,* Ford, VIII, 271-4.
[45] Jefferson to Madison, Jan. 16, 1797; *ibid,* VIII, 269. To Henry Tazewell, Jan. 16, 1797; *ibid,* VIII, 270-1. To Madison, Jan. 30, 1797; Madison Papers, LC., v. 20, p. 22.

CHAPTER 41

[1] "The Answer" and "The Warning"; Hamilton, *Works,* VI, 215-29, 229-59.
[2] Jefferson to Madison, Jan. 22, 1797; *Works,* Ford, VIII, 273.
[3] Jefferson to Madison, Jan. 8, 1797; *ibid,* VIII, 268-9.
[4] Jefferson to Archibald Stuart, Jan. 4, 1797; *ibid,* VIII, 265-6.
[5] Jefferson to Madison, Jan. 22, 1797; *supra.* To T. M. Randolph, Jan. 22, 1797; Jefferson Papers, LC., v. 101, p. 17292.
[6] Anas, *Works,* Ford, I, 334-6. For Adams's version of the incident, see his letter to Elbridge Gerry, Apr. 6, 1797; Adams, *Works,* VIII, 538-40.
[7] Hamilton to King, Feb. 15, 1797; C. R. King, *Rufus King,* II, 148.
[8] Hamilton to McHenry, Mar. 22, 1797; Hamilton, *Works,* X, 241-3.
[9] Acct. Bk., Mar. 3, 10, June 10, 1797; N. Y. Pub. Lib.
[10] Anas, 1797-1800; *Works,* Ford, I, *passim.*
[11] Jefferson to T. M. Randolph, Mar. 23, 1797; Jefferson Papers, LC., v. 101, p. 17328.
[12] Jefferson to John Brown, Apr. 5, 1797; *ibid,* v. 101, p. 17350.
[13] Jefferson to Volney, Jan. 8, 1797; *Writings,* Mont., IX, 363-4.
[14] Jefferson to Giroud, May 22, 1797; *ibid,* IX, 387-8.
[15] Rush to Jefferson, Feb. 4, 1797; Jefferson Papers, LC., v. 101, pp. 17309-10.
[16] Jefferson to Volney, Apr. 9, 1797; *ibid,* v. 101, pp. 17356-7.
[17] Jefferson to Peregrine Fitzhugh, Apr. 9, 1797; *Writings,* Mont., IX, 380.
[18] Jefferson to Volney, Apr. 9, 1797; *supra.*
[19] J. Q. Adams to Abigail Adams, July 29, 1797; J. Q. Adams, *Writings,* II, 194.
[20] Wm. Sullivan, *Familiar Letters on Public Characters,* 148.
[21] Jefferson to T. M. Randolph, May 19, 1797; Jefferson Papers, LC., v. 101, p. 17384.
[22] May 16, 1797; Richardson, *Messages of the Presidents,* I, 233-9.
[23] Jefferson to T. M. Randolph, May 19, 1797; *supra.* To same, May 26, 1797; Jefferson Papers, LC., v. 101, p. 17399.
[24] Jefferson to T. M. Randolph, June 1, 1797; *ibid,* v. 101, p. 17412.
[25] Wythe to Jefferson, Feb. 1, 1797; *ibid,* v. 101, p. 17307.
[26] Jefferson to Madison, May 18, 1797; *Works,* Ford, VIII, 288-91.
[27] Jefferson to Martha J. Randolph, May 18, 1797; Jefferson MSS., Morgan Lib.

[28] Jefferson to Thomas Pinckney, May 29, 1797; *Works*, Ford, VIII, 291-4.
[29] Jefferson to Peregrine Fitzhugh, June 4, 1797; *ibid*, VIII, 300.
[30] Jefferson to Elbridge Gerry, June 21, 1797; Franklin Papers, Yale Univ. Printed in *Works*, Ford, VIII, 313-15.
[31] Jefferson to Edward Rutledge, June 24, 1797; *Works*, Ford, VIII, 316-19.
[32] Jefferson to Madison, June 15, 1797; *ibid*, VIII, 306-8.
[33] Jefferson to Burr, June 17, 1797; *ibid*, VIII, 309-13.
[34] Jefferson to Martha J. Randolph, June 8, 1797; Jefferson MSS., Morgan Lib.
[35] Monroe to Jefferson [Oct., 1797]; Monroe, *Writings*, III, 86-7.
[36] Madison to Jefferson, Jan. 21, 1798; Madison Papers, LC., v. 20, p. 79.
[37] Acct. Bk., June 19, 1797; N. Y. Pub. Lib.
[38] Jefferson to John Taylor, Oct. 8, 1797; *Writings*, Mont., XVIII, 202-3.
[39] Acct. Bk., Dec. 14, 23, 1797; Jan. 8, Mar. 23, May 23, 29, June 25, 1798; Sept. 6, 1799; Oct. 22, 1800; N. Y. Pub. Lib. Callender to Jefferson, Sept. 28, 1797; Jefferson Papers, LC., v. 102, p. 17492.
[40] Callender to Jefferson, Mar. 21, 1798; Ford, *Jefferson and Callender*, 9.
[41] "Petition to Va. House of Delegates" [Aug., 1797]; *Works*, Ford, VIII, 322-31.
[42] Jefferson to John Taylor, Dec. 23, 1797; *ibid*, VIII, 348-9.
[43] Jefferson to Monroe, Dec. 27, 1797; *ibid*, VIII, 349-52.
[44] Jefferson to Martha J. Randolph, Dec. 27, 1797; Jefferson MSS., Morgan Lib.

CHAPTER 42

[1] Jefferson to T. M. Randolph, Jan. 11, 1798; Jefferson Papers, LC., v. 102, p. 17554.
[2] Jefferson to Madison, Feb. 15, 1798; *Works*, Ford, VIII, 368-70.
[3] Monroe to Jefferson, Feb. 19, 1798; Monroe, *Writings*, III, 103 (abbreviations written out).
[4] Jefferson to Peregrine Fitzhugh, Feb. 23, 1798; *Works*, Ford, VIII, 377. See also to Hugh Williamson, Feb. 11, 1798; *ibid*, VIII, 367-8: "I sincerely wish that the whole Union may accommodate their interests to each other, & play into their hands mutually as members of the same family, that the wealth & strength of any one part should be viewed as the wealth & strength of the whole."
[5] Quoted in Phila. *Aurora*, Feb. 2, 1798.
[6] Phila. *Aurora*, Aug. 3, 1798.
[7] *Ibid*, Mar. 12, Mar. 17, Aug. 3, 1798.
[8] Jefferson to Monroe, Mar. 8, 1798; *Works*, Ford, VIII, 381. To Madison, Mar. 15, 1798; *ibid*, VIII, 383-4.
[9] Jefferson to Madison, Mar. 21, 1798; *ibid*, VIII, 386-8. To T. M. Randolph, Mar. 22, 1798; *Wm. & Mary Quart.*, ser. 2, v. 6, pp. 335-6.
[10] Jefferson to Madison, Mar. 29, 1798; *Works*, Ford, VIII, 391-4.
[11] Jefferson to Edmund Pendleton, Apr. 2, 1798; *ibid*, VIII, 394-7.
[12] Jefferson to Madison, Apr. 5, 1798; *ibid*, VIII, 397-9.
[13] Jefferson to Madison, Apr. 6, 1798; *ibid*, 401-3. To John Wayles Eppes, Apr. 11, 1798; Jefferson MSS., U. of Va.
[14] Jefferson to Madison, Apr. 26, 1798; *Works*, Ford, VIII, 411-13.
[15] Madison to Jefferson, Apr. 29, 1798; Madison Papers, LC., v. 20, p. 108.
[16] Jefferson to Madison, May 10, 17, 1798; *Works*, Ford, VIII, 417-19, 420.
[17] Jefferson to St. George Tucker, May 9, 1798; photostat, Tucker-Coleman Coll., Colonial Williamsburg Archives. To J. W. Eppes, May 6, 1798; Jeff MSS., U. of Va. It is interesting to note that whereas Jefferson had formerly addressed Tucker as "Citizen" (Sept. 15, 1795), he now cautiously superscribed him as "Dear Sir."
[18] Jefferson to T. M. Randolph, May 3, 1798; Jefferson Papers, LC., v. 103, p. 17748.
[19] Jefferson to Madison, May 24, June 14, 1798; Rives Papers, LC.
[20] The best account of Dr. Logan's voyage is in his own *Memoirs*, edited by D. N. Logan. Jefferson's certificate was dated June 4, 1798; pp. 54-6.
[21] Quoted in Logan, *Memoirs*, 59-60 n.
[22] Logan to Deborah Logan, Sept. 9, 1798; *ibid*, 79-80.
[23] *Ibid*, 85, 86 n. Logan's wife, Deborah, insists that Jefferson used to visit her secretly

during her husband's absence abroad, to comfort her over the abuse heaped on him, and that he came by a circuitous route to throw off the Federalist spies who, he claimed, constantly dogged his footsteps, *ibid*, 75.

[24] Jefferson to Martha J. Randolph, May 31, 1798; Jefferson MSS., Morgan Lib.

[25] Jefferson to John Taylor, June 1, 1798; *Works*, Ford, VIII, 430-3.

[26] Jefferson Papers, LC., cited in Beveridge, *John Marshall*, II, 346-7.

[27] *Green Bag*, VIII, 482-3.

[28] Jefferson to Madison, June 7, 21, 1798; *Works*, Ford, VIII, 433-6, 439-43.

[29] Henry Tazewell to Jefferson, July 5, 1798; Jefferson Papers, LC., v. 104, pp. 17823-4.

[30] Jefferson to Samuel Smith, Aug. 22, 1798; *Works*, Ford, VIII, 443-7. The original is in private hands, of which a photostat has been made for the Jefferson Project, at Princeton. Another copy is in the Amer. Philos. Soc., while an imperfect letterpress is in the Jefferson Papers, LC., v. 104, pp. 17844-6.

[31] Draft MS. of Jefferson to Samuel Smith, *supra;* Jefferson Papers, LC., v. 104, p. 17917. The sentence quoted does not appear in any of the other copies.

[32] John Brown to Jefferson, Sept. 15, 1798; Jefferson Papers, LC., v. 104, pp. 17867-9.

[33] "The Enforcement of the Alien and Sedition Laws," by Frank M. Anderson, in *Amer. Hist. Assoc. Reports* (1912), pp. 115-26, is a careful study of the prosecutions under the Acts.

[34] Callender to Jefferson, Sept. 22, 1798; W. C. Ford, *Jefferson and Callender*, 10.

[35] Jefferson to George Mason, Oct. 11, 1798; *ibid*, 10-11 n. Callender to Jefferson, Nov. 19, 1798; *ibid*, 12-15.

CHAPTER 43

[1] It was not until Dec. 11, 1821, that Jefferson, rather reluctantly, acknowledged his authorship of the Kentucky Resolutions (to J. C. Breckinridge; *Works*, Ford, VIII, 459-60 n.). By this time, however, his memory was not altogether accurate, and he reconstructed certain episodes that later investigations have modified considerably. In 1887, two new accounts appeared, which cleared up some of the points at issue, but managed in the process to create new difficulties ("The Kentucky Resolutions in a New Light" by S. N. Randolph in *The Nation*, v. 44, pp. 382-4; and *The Kentucky Resolutions of 1798*, by E. D. Warfield). The latest and best account has been given by Adrienne Koch and Harry Ammon, "The Virginia and Kentucky Resolutions" in *Wm. & Mary Quart.*, 3rd ser., v. 5, pp. 145-75.

[2] Koch and Ammon, *supra*, feel that Madison *did* have knowledge of the Resolutions during the period of genesis and writing; but the evidence does not seem to support this belief. On Oct. 5, 1798, Jefferson asked W. C. Nicholas to consult with Madison on the Resolutions, without anything to indicate that Madison was already aware of their contents (Jefferson Papers, LC., v. 104, p. 17877) and it does not appear that Nicholas did so. The first *attested* meeting between Jefferson and Madison since the Spring of 1798 was only a few days before Oct. 26th (Jefferson to Madison, Oct. 26, 1798; *Works*, Ford, VIII, 456), at which, though it is certain the two men discussed the problem, Madison still had no copy of the Resolutions. Jefferson did not actually place them in Madison's hands until Nov. 17th (Jefferson to Madison, Nov. 17, 1798; *Works*, Ford, VIII, 456-7).

[3] The text of Jefferson's rough draft and fair copy of the Kentucky Resolutions are arranged in parallel columns in *Works*, Ford, VIII, 458-79.

[4] W. C. Nicholas to Jefferson, Oct. 4, 1798; Jefferson Papers, LC., v. 104, p. 17877.

[5] Jefferson to W. C. Nicholas, Oct. 5, 1798; *ibid*, v. 104, p. 17878. Jefferson had failed to make a copy at the time of writing; but wrote it down from memory immediately after the original was dispatched.

[6] W. C. Nicholas to John Breckinridge, Oct. 10, 1798; Breckinridge Papers, LC.

[7] "Draft Petition," Dec. 24, 1798; Jefferson Papers, LC., v. 232, pp. 42018-9.

[8] Jefferson to Madison, Oct. 26, 1798; *Works*, Ford, VIII, 456.

[9] "A Bill for the relief of sufferers" [1798]; Jefferson Papers, LC., v. 232, p. 42035.

[10] Jefferson to S. T. Mason, Oct. 11, 1798; *Works*, Ford, VIII, 449-51.

[11] *The Palladium*, Frankfort, Ky., Nov. 13, 1798.

[12] *Ky. Resolutions*, Nov. 10, 1798; *Works*, Ford, VIII, facsimile insert, 458-9.

[13] Quoted in E. D. Warfield, *The Kentucky Resolutions of 1798*, 94.

[14] Breckinridge to Henry Tazewell, Dec. 2, 1798; Breckinridge Papers, LC.

[15] Jefferson to Madison, Nov. 17, 1798; *Works*, Ford, VIII, 456-7. Original in Rives Papers, LC., where the year was mistakenly written as 1799.

[16] Such, at least, is indicated by two letters from Jefferson to Madison. On Oct. 26, 1798, Jefferson sent him his Jury bill and promised to send a copy "of the other paper" by his foreman, Richardson (see notes 7 and 8, *supra*). Evidently this document was too important to send by mail. But Richardson was detained at Monticello by press of work and did not go (to Madison, Nov. 17, 1798, *supra*).

[17] *Va. Report of 1799-1800*, 22-3.

[18] Jefferson to W. C. Nicholas, Nov. 29, 1798; *Works*, Ford, VIII, 483.

[19] Madison to Jefferson, Dec. 29, 1798; Madison Papers, LC.

[20] Jefferson to John Taylor, Nov. 26, 1798; *Works*, Ford, VIII, 479-83.

[21] Quoted in Warfield, *Ky. Resolutions of 1798*, 111-12.

[22] Burr to Jefferson, Feb. 3, 1799; Jefferson Papers, LC., v. 105, p. 17953.

CHAPTER 44

[1] Jefferson to T. M. Randolph, Dec. 4, 1798; Jefferson Papers, LC., v. 104, p. 17900.

[2] Jefferson to Martha J. Randolph, Dec. 27, 1798; Jefferson MSS., Morgan Lib.

[3] Phila. *Aurora*, Jan. 2, 1799.

[4] Jefferson to Madison, Jan. 3, 1799; *Works*, Ford, IX, 3-5.

[5] Jefferson to Madison, Jan. 16, 1799; *ibid*, IX, 6-9.

[6] Jefferson to Gerry, Jan. 26, 1799; *ibid*, IX, 15-26.

[7] Jefferson to Pendleton, Jan. 29, 1799; *ibid*, IX, 27-9. Original in Washburn Papers, Mass. H. S. He repeated his request, with a sense of urgency, in another letter, dated Feb. 14, 1799; *ibid*, IX, 45-50; the original also in Washburn Papers.

[8] Jefferson to Pendleton, Feb. 14, 1799; *supra*.

[9] Jefferson to Madison, Feb. 5, 1799; *Works*, Ford, IX, 34.

[10] Jefferson to Madison, Feb. 12, 1799; *ibid*, IX, 39-40.

[11] Jefferson to Monroe, Feb. 19, 1799; *ibid*, IX, 55-7. Phila. *Aurora*, Feb. 20, 1799.

[12] Jefferson to Madison, Feb. 26, 1799; *Works*, Ford, IX, 59-61.

[13] Jefferson to Thomas Lomax, Mar. 12, 1799; *ibid*, IX, 62-4.

[14] Jefferson to Edmund Pendleton, Apr. 22, 1799; *ibid*, IX, 64-6. Original in Washburn Papers, Mass. H. S.

[15] Jefferson to Tench Coxe, May 21, 1799; *Works*, Ford, IX, 68-70.

[16] Jefferson to Wm. Green Mumford, June 18, 1799; Teachers College Lib., Columbia Univ. Photostat in Jefferson Project, Princeton.

[17] Jefferson to Henry Remsen, rec. May 17, 1799; Franklin Papers, Yale Univ.

[18] Jefferson to Remsen, Oct. 14, 1799; Mar. 4, 1800; *ibid*.

[19] Jefferson to Tench Coxe, May 21, 1799; *supra*.

[20] W. C. Nicholas to Jefferson, Aug. 20, 1799; Nicholas P. Trist Papers, LC.

[21] Jefferson to Madison, Aug. 23, 1799; Rives Papers, LC. A much garbled version, with the most important sections omitted, transcribed from the nearly illegible press copy in the Jefferson Papers, LC., is in *Works*, Ford, IX, 77-8. The full text, with comment, has been published by Koch and Ammon, in *Wm. & Mary Quart., op. cit.*

[22] Madison to Nicholas P. Trist, Dec. 23, 1832; Madison Papers, LC., v. 87, p. 16.

[23] On a copy of the letter described in Note 21, which Madison later made for Nicholas P. Trist, and now in the U. of Va., he penned the comment: "The visit invited took the place of an answer to the letter." Jefferson had written to W. C. Nicholas to come; Aug. 26, 1799; *Works*, Ford, IX, 78-9.

[24] Jefferson to W. C. Nicholas, Sept. 5, 1799; *Works*, Ford, IX, 79-81.

[25] Breckinridge to Jefferson, Dec. 13, 1799; Jefferson Papers, LC., v. 105, pp. 18094-5.

[26] Warfield, *Kentucky Resolutions of 1798*, 123-6.

[27] See Chap. 43, note 13.

[28] "Draft Resolutions"; Breckinridge Papers, LC., v. 18, pp. 3011-16. Koch and Ammon, *op. cit.*, p. 169, do not believe Breckinridge drafted the second set.

[29] Monroe to Madison, Nov. 22, 1799; Monroe, *Writings*, III, 159-60. Jefferson to Madison, Nov. 22, 1799; *Works*, Ford, IX, 89-90.

[30] Jefferson to Madison, Nov. 26, 1799; Rives Papers, LC.

[31] Jefferson to John Taylor, Nov. 26, 1799; *Mass. H. S. Colls.*, Seventh Ser., I, 66-8. Along similar lines to Madison, Nov. 22, 1799; *Works*, Ford, IX, 89-90.

[32] "Report of 1800," Madison, *Writings* (Cong. ed.), IV, 540 ff.

[33] Jefferson to Monroe, Feb. 6, 1800; *Works*, Ford, IX, 113. To same, Mar. 26, 1800; Jefferson Papers, LC., v. 106, pp. 18230-1.

[34] Jefferson to Philip N. Nicholas, Apr. 7, 1800; *Works*, Ford, IX, 127-9.

CHAPTER 45

[1] Jefferson to Monroe, Jan. 12, 1800; *Works*, Ford, IX, 90-2.

[2] Jefferson to Priestley, Jan. 8, 27, 1800; *ibid*, IX, 95-9, 102-5.

[3] Priestley to Jefferson, May 8, 1800; Chinard, *Correspondence of Jefferson and Du Pont*, 11-12.

[4] Jefferson to Priestley, Aug. 11, 1800; Jefferson Papers, LC., v. 107, p. 18330.

[5] Dupont to Jefferson [Aug. 27, 1798]; Malone, *Correspond. between Jefferson and Du Pont*, 1-2.

[6] Jefferson to T. M. Randolph, Jan. 17, 1799; Jefferson Papers, LC., v. 104, p. 17925.

[7] Jefferson to Dupont [Jan. 17, 1800]; Malone, *op. cit.*, 3-4.

[8] Jefferson to Dupont, Apr. 12, 1800; Chinard, *op. cit.*, 11-12.

[9] Dupont to Jefferson, Apr. 21, June 15, 1800; Malone, *op. cit.*, 10-13, 16. Dupont, *National Education in the U. S.* (trans. by P. S. Du Pont, 1923).

[10] Jefferson to Wm. Dunbar, Jan. 16, 1800; Jefferson Papers, LC., v. 106, p. 18136.

[11] Jefferson to Benjamin Hawkins, Mar. 14, 1800; *Works*, Ford, IX, 123-6. He sent a similar inquiry to David Campbell of Tennessee for information as to the Cherokee dialect, Mar. 14, 1800; Jefferson Papers, LC., v. 106, p. 18216.

[12] Jefferson to Wythe, Feb. 28, 1800; *Works*, Ford, IX, 115-17.

[13] Jefferson to Wythe, Apr. 7, 1800; Jefferson Papers, LC., v. 106, p. 18239.

[14] Wythe to Jefferson, Dec. 7, 1800; *ibid*, v. 108, pp. 18459-60. Pendleton to Jefferson, June 17, 1800; *ibid*, v. 108, pp. 18470-5; replying to Jefferson's letter of Apr. 19, 1800; *ibid*, v. 107, p. 18261.

[15] Jefferson to Martha J. Randolph, Feb. 17, 1800; S. N. Randolph, *Domestic Life*, 262-3.

[16] Jefferson to Rev. Samuel Miller, Feb. 25, 1800; Sales Catalogue, Thos. F. Madigan, 1939.

[17] Jefferson to Dr. Wm. Bache, Feb. 2, 1800; Jefferson Papers, LC., v. 106, pp. 18167-8.

[18] Jefferson to John Breckinridge, Jan. 29, 1800; *Works*, Ford, IX, 105-7.

[19] Jefferson to T. M. Randolph, Feb. 2, 1800; *ibid*, IX, 110-13. To Samuel Adams, Feb. 26 [1800]; *ibid*, IX, 114-15.

[20] Jefferson to Martha J. Randolph, Jan. 21, 1800; Jefferson MSS., Morgan Lib.

[21] Jefferson to Madison, Mar. 4, 1800; *Works*, Ford, IX, 118-23.

[22] Jefferson to Monroe, Apr. 13, 1800; Monroe Papers, LC., v. 6, p. 956.

[23] Edward Livingston to Jefferson, Apr. 11, 1800; Jefferson Papers, Box 2, N. Y. Pub. Lib.

[24] Jefferson to T. M. Randolph, May 7, 1800; Jefferson Papers, LC., v. 107, p. 18277. For full details of the N. Y. election see Schachner, *Burr*, chap. XIII.

[25] Hamilton to Jay, May 7, 1800; Hamilton, *Works*, X, 371-4.

[26] Wm. Jay, *Life of John Jay*, I, 414.

[27] Hamilton to Sedgwick, May 10, 1800; Hamilton, *Works*, X, 375-6.

[28] Phila. *Aurora*, May 1, 1800.

[29] Jefferson to Monroe, Mar. 26, 1800; Monroe Papers, LC., v. 6, p. 953.

[30] Jefferson to Monroe, Apr. 13, 1800; *ibid*, v. 6, p. 956.

[31] Quoted in Phila. *Aurora*, Mar. 31, 1800.

[32] *Diary of Rev. Thomas Robbins* (I. N. Tarbox, ed.), I, 145.

[33] *The Voice of Warning* ... [John M. Mason, D.D.], N. Y., 1800.

[34] *Serious Considerations on the Election of a President* ... [Rev. Dr. Linn], N. Y., 1800.

[35] Quoted in the Hudson *Bee*, Sept. 7, 1802.

[36] Abraham Labagh to Jefferson, Nov. 9, 1800; Tucker-Coleman Coll., Colonial Williamsburg Arch.

[37] Jefferson to Monroe, May 26, 1800; *Works*, Ford, IX, 135-7.

[38] *Address to the People of the United States* ... [John Beckley], Phila., 1800.

[39] Jefferson to Gen. Knox, Apr. 8, 1800; Knox Papers, Mass. H. S. To same effect to

Wm. Hamilton, Apr. 22, 1800; *Works*, Ford, IX, 129-31; in which he tells how former friends had crossed the street to avoid meeting him.

[40] *Autobiography of Benjamin Rush* (G. W. Corner, ed.), 151-2.

[41] Jefferson to Rush, Sept. 23, 1800; Jefferson MSS., Am. Philos. Soc. (italics added). Printed in *Works*, Ford, IX, 146-9, with some minor changes.

[42] Jefferson to T. M. Randolph, May 7, 1800; "Jefferson Papers," *Mass. Hist. Soc. Colls.*, Seventh Ser., I, 76-8.

[43] Jefferson to Short, Apr. 13, 1800; Short Papers, Wm. & Mary College.

[44] Acct. Bk., Aug. 23, 1800; N. Y. Pub. Lib.

[45] Jefferson to Madison, Aug. 29, 1800; Rives Papers, LC.

[46] Jefferson to Pierce Butler, Aug. 11, 1800; *Works*, Ford, IX, 137-8.

[47] Jefferson to Gideon Granger, Aug. 13, 1800; *ibid*, IX, 138-41.

[48] Callender to Jefferson, Aug. 14, 1800; Ford, *Jefferson and Callender*, 25.

[49] Acct. Bk., Oct. 23, 1800; N. Y. Pub. Lib.

[50] Jefferson to J. W. Eppes, Apr. 21, 1800; MS., N. Y. H. S.

[51] Monroe to Jefferson, Sept. 9, 1800; Monroe, *Writings*, III, 205.

[52] Monroe to Jefferson, Sept. 15, 1800; *ibid*, III, 208-9.

[53] Jefferson to Monroe, Sept. 20, 1800; *Works*, Ford, IX, 145-6.

[54] Jefferson to Monroe, Nov. 24, 1801; *ibid*, IX, 315-19.

[55] Jefferson to Samuel Smith, Oct. 17, 1800; privately owned; photostat in Princeton Project.

[56] Jefferson to Madison, Nov. 9, 1800; Rives Papers, LC. Similarly to Monroe, Nov. 8, 1800; *Works*, Ford, IX, 149-50.

CHAPTER 46

[1] *National Intelligencer*, Nov. 28, 1800.

[2] Margaret B. Smith, *First Forty Years of Washington Society*, 12.

[3] Gallatin to Mrs. Gallatin, Jan. 15, 1801; Adams, *Gallatin*, 252-5.

[4] *First Forty Years of Washington Society*, 5-6.

[5] Diary of John Randolph; Typed copy by Wm. Cabell Bruce, on deposit in Va. State Lib.

[6] Hamilton to James A. Bayard, Aug. 6, 1800; Hamilton, *Works* (Lodge, ed.), X, 387.

[7] George Cabot to Hamilton, Aug. 10, 1800; *ibid* (J. C. Hamilton, ed.), VI, 454.

[8] Mrs. Gallatin to Gallatin, May 7, 1800; *Adams*, Gallatin, 243: "Burr says he has no confidence in the Virginians; they once deceived him and they are not to be trusted."

[9] Burr to Jefferson, Dec. 23, 1800; Jefferson Papers, LC., v. 108, p. 18525.

[10] Dallas to Gov. McKean, Dec. 1, 1800; McKean Papers, Pa. H. S.

[11] Jefferson to Benjamin Rush, Dec. 14, 1800; MSS., Amer. Philos. Soc.

[12] Dwight Foster to Caleb Strong, Dec. 12, 1800; *Am. Hist. Rev.*, IV, 330-1, C. C. Pinckney, *Thomas Pinckney*, 156.

[13] Jefferson to T. M. Randolph, Dec. 12, 1800; *Mass. H. S. Colls., Seventh Ser.*, I, 80.

[14] Peter Freneau to Jefferson, Dec. 2, 1800; *Am. Hist. Rev.*, IV, 120.

[15] Jefferson to Madison, Dec. 19, 1800; *Works*, Ford, IX, 157-9.

[16] *Ibid.*

[17] Gouverneur Morris, *Diary* (A. C. Morris, ed.), II, 396-7. See Schachner, *Hamilton*, pp. 400-2, and *Burr*, pp. 192-6 for Hamilton's attempt to sway the Federalists against Burr and in favor of Jefferson.

[18] Jefferson to Burr, Dec. 15, 1800; *Works*, Ford, IX, 154-6.

[19] Burr to Jefferson, Dec. 23, 1800; Jefferson Papers, LC., v. 108, p. 18525.

[20] Hamilton to James A. Bayard, Dec. 27, 1800, Jan. 16, 1801; Hamilton, *Works* (J. C. Hamilton, ed.), VI, 499-500, 419-24. Troup to King, Dec. 31, 1800; King, *Correspondence*, III, 358-9.

[21] Hamilton to Oliver Wolcott, Dec. 17, 1800; Hamilton, *Works*, X, 393 ff.

[22] Burr to Samuel Smith, Dec. 16, 1800; Davis, *Burr*, II, 75.

[23] Ogden to Peter Irving, Nov. 24, 1802; N. Y. *Morning Chronicle*, Nov. 25, 1802.

[24] Samuel Smith to Burr, Jan. 11, 1800 [1801]; Samuel Smith Papers. LC. On July 9, 1804, when the matter came up again, Smith indignantly denied to John Smith that he had called Burr a "scoundrel" and declared that none of Burr's "*Correspondence, or Conversation with me would warrant the Charge made against him of having Intrigued with the Federal party*

for his Election"; ibid. Yet, on interrogatories in a libel suit by Burr against Cheetham, in Mar., 1805, while repeating that he knew of no such intrigues, he admitted he *did* have a conversation with Burr in Philadelphia "from which it appeared to the Deponent that the Plaintiff was determined to serve as President if the H– of Representatives should elect him"; *ibid.* At this time (1805) Smith, who had been in Jefferson's Cabinet, was confronted with a definite political situation.

[25] Joseph H. Nicholson to a Constituent, Jan. 15, 1801; MS., Pa. H. S.

[26] Monroe to Jefferson, Jan. 6, 1801; Monroe to Col. John Hoomes, Feb. 14, 1801; Monroe, *Writings,* 253-5, 258-60.

[27] Jefferson to Gov. McKean, Mar. 9, 1801; McKean Papers, Pa. H. S.

[28] Jefferson to Tench Coxe, Dec. 31, 1800; *Works,* Ford, IX, 162-3. To Craven Peyton, Jan. 15, 1801; Jefferson Papers, U. of Va. McKean to Jefferson, Jan. 10, 1801; Jefferson Papers, LC., v. 108, pp. 18606-7.

[29] Madison to Jefferson, Jan. 10, 1801; Madison, *Writings,* VI, 410-16.

[30] Gallatin's Plan, 1801; Gallatin, *Writings,* I, 18-23.

[31] H. H. Brackenridge to Jefferson, Jan. 19, 1801; Jefferson Papers, LC., v. 109, pp. 18645-9.

[32] Jefferson to R. R. Livingston, Dec. 14, 1800; *Works,* Ford, IX, 150-4.

[33] Jefferson to T. M. Randolph, Jan. 23, 1801; Jefferson Papers, LC., v. 109, p. 18668.

[34] Acct. Bk., Feb. 3, 1801; N. Y. Pub. Lib.

[35] Jefferson to Martha J. Randolph, Feb. 5, 1801; Jefferson Papers, LC., v. 109, p. 18705. To same, Jan. 16, 1801; Jefferson MSS., Morgan Lib.

[36] Adams to Elbridge Gerry, Feb. 7, 1801; Adams, *Works,* IX, 98. Jefferson was mistaken in his belief that Adams's influence was being used in his behalf; to T. M. Randolph, Jan. 23, 1801; *Writings,* Mont., XVIII, 233.

[37] Jefferson to T. M. Randolph, Jan. 29 [1801]; *Writings,* Mont., XVIII, 237. His earlier estimate, also to Randolph, Jan. 9, 1801, gave the Federalists only five sure States, and listed three–Maryland, Delaware and Vermont–as divided; Jefferson Papers, LC., v. 108, p. 18599.

[38] Robert C. Harper's *Circular Letter,* Feb. 24, 1801; *Bayard Papers* (Donnan, ed.), in *Annual Report of Amer. Hist. Assoc.,* II, 132-7.

[39] Gallatin to Mrs. Gallatin, Feb. 12, 1801; Adams, *Gallatin,* 260-1.

[40] Uriah Tracy to Mr. Gould, Feb. 16, 1801; MS., Pa. H. S.

[41] John Randolph to St. George Tucker, Feb. 11, 1801; W. C. Bruce, *Randolph,* I, 168. H. G. Otis to his wife, Feb. 11, 1801; Morrison, *Otis,* I, 207-8.

[42] Gallatin to James Nicholson, Feb. 14, 1801; Adams, *Gallatin,* 261-2.

[43] Gallatin to James Nicholson, Feb. 16, 1801; *ibid,* 262.

[44] Jefferson to Monroe, Feb. 15, 1801; *Works,* Ford, IX, 178-80.

[45] Anas, Feb. 12, 1801; *ibid,* I, 361-2.

[46] Bayard to Hamilton, Mar. 8, 1801; Hamilton, *Works* (J. C. H., ed.), VI, 522-4.

[47] "Interrogatories of James A. Bayard, *in re* Gillespie vs Smith," Apr. 3, 1806; Davis, *Burr,* II, 129-33. Even more direct evidence of Bayard's belief that Jefferson had agreed to the bargain is contained in a letter he wrote the day of the final vote to Allan McLane, the Federalist office-holder in whose behalf Smith later claimed Bayard had intervened. "Mr. Jefferson is our President. Our opposition was continued till it was demonstrated that Burr could not be brought in, and even if he could he meant to come in as a Democrat. In such case to evidence his sincerity he must have swept every officer in the U. States. I have direct information that Mr. Jefferson will not pursue that plan." The original of this letter was given in later years by McLane to T. M. Randolph for copying; and on the copy Jefferson wrote that it was authentic. The copy is in Jefferson Papers, LC., v. 109, p. 18739.

[48] "Interrogatories of Gen. Samuel Smith"; Apr. 15, 1806; Davis, *Burr,* II, 133-7.

[49] Gallatin to his wife, Feb. 17, 1801; Adams, *Gallatin,* 262.

CHAPTER 47

[1] Jefferson to John Dickinson, Mar. 6, 1801; *Works,* Ford, IX, 201-2.

[2] Marshall to Chas. C. Pinckney, Mar. 4, 1801; *Am. Hist. Rev.,* v. 53, no. 3, pp. 518-20. Beveridge, in his *Marshall,* III, 11, 18, completely distorted the sense by omitting the "not" before Marshall's classing of Jefferson with the "terrorists."

[3] Words by Rembrandt Peale and music by John I. Hawkins. "The People's Friend" was

sung at the German Reformed Church in Philadelphia on Mar. 4, 1801. The text was sent to Jefferson by Chas. W. Peale, Rembrandt's father, on Mar. 8, 1801; Jefferson Papers, LC., v. 110, pp. 18848, 18896-8.

[4] Jefferson to Madison, Oct. 26, 1800; *Works*, Ford, IX, 161-2.

[5] Actually, what Jefferson meant by the phrase, which he had coined, were those appointments made by Adams after Dec. 12th, when Jefferson conceived that the news of his own election had been confirmed; "Memorandum," May [10], 1803; Jefferson Papers, LC., v. 119, p. 20545.

[6] Jefferson to Madison, Dec. 19, 1800; *Works*, Ford, IX, 157-60.

[7] The details of the inauguration are taken largely from the *National Intelligencer*, Mar. 6, 1801; and Edward Thornton (of the British Legation) to Lord Grenville, Mar. 4, 1801; Adams' *Hist. of the U. S.*, I, 198. By this time the famous account of John Davis (*Travels*, 177) to the effect that Jefferson rode alone to the Capitol without a single guard or attendant and hitched his horse unaided to the palisades in front, has been so thoroughly exploded that it is unnecessary once again to examine it in detail.

[8] Monroe to Jefferson, Mar. 3, 1801; Monroe, *Writings*, III, 261-4.

[9] Jefferson to Horatio Gates, Mar. 8, 1801; Emmet Coll., N. Y. Pub. Lib. See also to Dickinson, Mar. 6, 1801, *supra*, in which Jefferson asserted: "I hope to see shortly a perfect consolidation, to effect which, nothing shall be spared on my part, short of the abandonment of the principles of our revolution."

[10] "Inaugural address," Mar. 4, 1801; J. D. Richardson, *Messages of the Presidents*, I, 321-4.

[11] M. B. Smith, *The First Forty Years*, 12.

[12] *Ibid*, 384-5. *National Intelligencer*, Mar. 20, 1801.

[13] Marshall to C. C. Pinckney, Mar. 4, 1801; *supra*.

[14] W. P. and J. P. Cutler, *Rev. Manasseh Cutler*, II, 43-5.

[15] George Cabot to Rufus King, Mar. 20, 1801; C. R. King, *Rufus King*, III, 407.

[16] Yrujo to Jefferson, Mar. 13, 1801; *Jefferson Correspondence*, Bixby Coll. Yrujo added some more intimate details: he had been commissioned by Jefferson to find him a good cook in Philadelphia, and had tried to lure away the cook of William Bingham, the famous gourmet, society arbiter and supposedly wealthy. The cook would have been glad to go, said Yrujo, but Bingham owed him $800 in wages, & he feared he would "loose every farthing if he was to leave him."

[17] Robert Troup to King, Aug. 8, 1801; C. R. King, *Rufus King*, III, 496.

[18] "Oration at New Haven," July 7, 1801; Pamphlet published 1801.

[19] Jefferson to Moses Robinson, Mar. 23, 1801; *Writings*, Mont., X, 236-7.

[20] Monroe to Jefferson, Mar. 18, 1801; Monroe, *Writings*, III, 268-74. (Abbreviations written out.)

[21] Jefferson to Monroe, Feb. [Mar.] 7, 1801; *Works*, Ford, IX, 202-5.

[22] Jefferson to Samuel Smith, Mar. 9, 1801; *ibid*, IX, 207-8.

[23] Jefferson to Madison, Mar. 12, 1801; *ibid*, IX, 208-10.

[24] Jefferson to Samuel Smith, Apr. 17, 1801; privately owned MS., photostat in U. of Va.

[25] Jefferson to Meriwether Lewis, Feb. 23, 1801; Jefferson Papers, LC., v. 109, p. 18776. Lewis accepted Mar. 10, 1801; *ibid*, v. 110, p. 18909.

[26] Jefferson to T. M. Randolph, Mar. 12, 1801; *ibid*, v. 110, p. 18923.

[27] Jefferson to J. W. Eppes, Mar. 27, 1801; privately owned MS., photostats in U. of Va. & in N. Y. Pub. Lib.

[28] Jefferson to Benjamin S. Barton, Feb. 14, 1801; *Works*, Ford, IX, 177-8.

[29] Adams to Jefferson, Mar. 24, 1801; Jefferson Papers, LC., v. 111, p. 19055.

[30] "Memorandum," May [10], 1803; *ibid*, v. 119, p. 20545.

[31] "Memoranda," 1801; *ibid*, v. 119, p. 20542, 20568. Anas, Mar. 8, 1801; *Works*, Ford, I, 363-4.

[32] "Memorandum," May [10], 1803; *supra*.

[33] Jefferson to —— [Mar., 1801]; Appointment Book, State Dept., Nat. Arch.

[34] Jefferson to Benjamin Rush, Mar. 24, 1801; *Works*, Ford, IX, 229-32.

CHAPTER 48

[1] Jefferson to W. C. Nicholas, June 11, 1801; *Works*, Ford, IX, 264-6.

[2] Jefferson to Levi Lincoln, Aug. 26, 1801; *ibid*, IX, 289-91.

[3] Lincoln to Jefferson, June 15, 1801; Jefferson Papers, LC., v. 113, pp. 19459-62.
[4] Jefferson to John Dickinson, July 23, 1801; to Thomas McKean, July 24, 1801; *Works*, Ford, IX, 280-2, 282-5.
[5] Jefferson to Merchants of New Haven, July 12, 1801; *ibid*, IX, 270-4.
[6] *Amer. Hist. Rev.*, III, 290.
[7] Jefferson to Maria J. Eppes, Jan. 4, 1801; *Works*, Ford, IX, 166.
[8] Monroe to [Madison], May 23, 1801; Monroe Papers, N. Y. Pub. Lib.
[9] Jefferson to George Clinton, May 17, 1801; *Works*, Ford, IX, 254-5.
[10] Burr to Gallatin, June 28, 1801; Adams, *Gallatin*, 283.
[11] Gallatin to Jefferson, Sept. 12, 1801; Gallatin, *Writings*, I, 47-8.
[12] Gallatin to Jefferson, Sept. 14, 1801; *ibid*, I, 51-3.
[13] Jefferson to Gallatin, Sept. 18, 1801; *ibid*, I, 54.
[14] Jefferson to Burr, Nov. 18, 1801; *Works*, Ford, IX, 313-14.
[15] Callender to Jefferson, Feb. 23, 1801; Jefferson Papers, LC., v. 109, pp. 18770-1.
[16] Callender to Madison, Apr. 27, 1801; W. C. Ford, *Jefferson and Callender*, 35.
[17] Anas, Mar. 9, 1801; *Works*, Ford, I, 365.
[18] Samuel Smith to Callender, Apr. 12, 1801; *Jefferson and Callender*, 33-4.
[19] Jefferson to Monroe, May 26, 1801; *Works*, Ford, IX, 259-60. Acct. Bk., May 28, 1801; N. Y. Pub. Lib.
[20] Jefferson to Monroe, May 29, 1801; *Works*, Ford, IX, 262-3.
[21] Monroe to Jefferson, June 1, 1801; *Jefferson and Callender*, 39.
[22] Jefferson to Monroe, July 15, July 17, 1802; *Works*, Ford, IX, 387-90, 390 n. Monroe to Jefferson, July 7, July 26, 1802; Misc. Letters, Dept. of State, Nat. Arch.
[23] Jefferson to R. R. Livingston, May 31, 1801; *Works*, Ford, IX, 257-8 n.
[24] Jefferson to Duane, May 23, 1801; *ibid*, 255-8. To Madison, July 19, 1801; Madison Papers, LC., v. 23, p. 21. Madison to A. J. Dallas, July 20, 1801; Jefferson Papers, LC., v. 114, p. 19661. Jefferson even drafted a message to the Senate, on the subject, but evidently decided against sending it; *Works*, Ford, IX, 257-9 n.
[25] Paine to Jefferson, Oct. 1, 1800; Paine, *Writings* (P. S. Foner, ed.), II, 1412.
[26] Jefferson to Paine, Mar. 18, 1801; *Works*, Ford, IX, 212-14.
[27] Paine to Jefferson, June 9, 1801; Paine, *Writings*, II, 1419.
[28] Jefferson to Pierpoint [Pierpont] Edwards, July 21, 1801; Dreer Coll., Pa. H. S.
[29] Jefferson to Priestley, Mar. 21, 1801; *Works*, Ford, IX, 216-19.
[30] Jefferson to St. George Tucker, June 3, 1801; Jefferson Papers, LC., v. 113, p. 19386. To T. M. Randolph, June 4, 1801; *ibid*, v. 113, p. 19390.
[31] The *Port Folio*, Oct. 2, 1802.
[32] Gallatin to Jefferson, Mar. 14, 1801; Jefferson Papers, LC., v. 110, pp. 18953-4.
[33] Jefferson to T. M. Randolph, May 14, 1801; *ibid*, v. 112, p. 19296.
[34] Jefferson to George Logan, Mar. 21, 1801; *Works*, Ford, IX, 219-20.
[35] Jefferson to T. M. Randolph, June 18, 1801; Jefferson Papers, LC., v. 113, p. 19483.
[36] Jefferson to Madison, Aug. 28, 1801; Madison Papers, LC., v. 23, p. 45.
[37] Gallatin to Jefferson, June 12, July 25, 1801; Gallatin, *Writings*, I, 27-8, 28-9.
[38] Jefferson to Gallatin, July 26, 1801; Gallatin Papers, N. Y. H. S.
[39] Gallatin to Jefferson, Aug. 10, 1801; Gallatin, *Writings*, I, 30-5.
[40] Jefferson to Gallatin, Aug. 14, 1801; Gallatin Papers, N. Y. H. S.
[41] John Taylor to W. C. Nicholas, Sept. 5, 1801; "Jefferson Papers," *Mass. H. S. Colls.*, 100-3.

CHAPTER 49

[1] Anas, *Works*, Ford, I, 365-6.
[2] Madison to Wm. Eaton, May 20, 1801; *Amer. State Papers: For. Rel.*, II, 347-8.
[3] Jefferson to W. C. Nicholas, June 11, 1801; *Works*, Ford, IX, 264-6.
[4] Madison to Chas. Pinckney, June 9, 1801; to R. R. Livingston, Sept. 28, 1801; *Amer. State Papers: For. Rel.*, II, 510.
[5] May 20-June 19, 1798; Adams, *Hist. of U. S.*, I, 356-7.
[6] Jefferson to W. C. C. Claiborne, July 13, 1801; *Works*, Ford, IX, 274-7.
[7] Jefferson to Gallatin, Sept. 18, 1801; Aug. 30, 1802; Gallatin Papers, N. Y. H. S.
[8] Rush to Jefferson, Mar. 12, 1803; Jefferson Papers, Mass. H. S.
[9] Jefferson to Gallatin, Sept. 18, 1801; *Works*, Ford, IX, 304-6.

[10] Jefferson to Gallatin, Sept. 5, 1801; Gallatin Papers, N. Y. H. S. To same effect to Robert Smith, Sept. 5, 1801; Jefferson Papers, LC., v. 116, p. 19983.

[11] Jefferson to Short, Oct. 3, 1801; *Works*, Ford, IX, 306-10.

[12] Jefferson to Robert Smith, Aug. 14, 1801; Jefferson Papers, LC., v. 115, p. 19837. To same effect to Gallatin, Aug. 14, 1801; Gallatin Papers, N. Y. H. S.

[13] Gallatin to Jefferson, Aug. 18, 1801; Jefferson Papers, LC., v. 115, pp. 19864-5.

[14] Jefferson to Gallatin, Aug. 28, 1801; Gallatin Papers, N. Y. H. S.

[15] "Memoranda on Neutral Rights," Sept. 9, 1801; Jefferson Papers, LC., v. 116, p. 19991.

[16] Jefferson to R. R. Livingston, Sept. 9, 1801; *Works*, Ford, IX, 295-302.

[17] Madison to Chas. Pinckney, June 9, 1801; *Amer. State Papers: For. Rel.*, II, 476.

[18] *Amer. State Papers: For. Rel.*, II, 440-58.

[19] Anas, Oct. 22, 1801; *Works*, Ford, I, 369.

[20] Jefferson to Martha J. Randolph, May 28, 1801; Jefferson Papers, Morgan Lib.

[21] Jefferson to Dr. Rush, Dec. 20, 1801; *Works*, Ford, IX, 346.

[22] Jefferson to T. M. Randolph, Nov. 16, 1801; Jefferson Papers, LC., v. 118, p. 20289.

[23] The correspondence is in Jefferson Papers, LC., v. 116, *passim*. See particularly, Jefferson to Waterhouse, Sept. 2, 1801; v. 116, p. 19963.

[24] Jefferson to John D. Burke, June 21, 1801; *Works*, Ford, IX, 267-8.

[25] Enoch Edwards to Jefferson, Aug. 31, 1801; Jefferson Papers, LC., v. 116, p. 19930a. Jefferson to Edwards, Oct. 11, 1801; *ibid*, v. 117, p. 20131.

[26] Acct. Bk., May-Oct. 31, 1801; N. Y. Pub. Lib. "Accts. of President's Household with John Barnes, Apr. 27-July 6, 1801"; Jefferson MSS., U. of Va.

[27] George Flower's Diary; Chicago Hist. Soc. Photostat in Princeton Project.

[28] "Circular to the Heads of the Depts.," Nov. 6, 1801; *Works*, Ford, IX, 310-12.

[29] Jefferson to Maria J. Eppes, Dec. 14, 1801; Jefferson Papers, LC., v. 118, p. 20418. To Steven T. Mason, Oct. 28, 1801; *ibid*, v. 117, p. 20191. To Peter Carr, Oct. 25, 1801; *ibid*, v. 117, p. 20178.

[30] Jefferson to Gideon Granger, Oct. 31, 1801; *ibid*, v. 117, p. 20210.

[31] Jefferson to Gov. Joseph Bloomfield, Dec. 5, 1801; Jefferson Papers, Box 1, N. Y. Pub. Lib.

[32] Gallatin to Jefferson [rec] Nov. 16, 1801; Gallatin, *Writings*, I, 69-73.

[33] Jefferson to Martha J. Randolph, Nov. 27, 1801; Jefferson Papers, Morgan Lib.

[34] Cheetham to Jefferson, Dec. 10, Dec. 29, 1801; Jefferson Papers, LC., v. 118, pp. 20394-400; v. 119, pp. 20511-12.

[35] Jefferson to Pres. of the Senate, Dec. 8, 1801; *Writings*, Mont., X, 300.

[36] Jefferson to Rush, Dec. 20, 1801; *Works*, Ford, IX, 343-6.

[37] *Gazette of the U. S.*, Dec. 11, 15, 1801.

[38] "Draft Message," Jefferson Papers, LC. Jefferson had already informed Edward Livingston of N. Y. on Nov. 1, 1801, that "I affirm that act [Sedition] to be no law because in opposition to the Constitution; and I shall treat it as a nullity wherever it comes in the way of my [power?]"; Jefferson Papers, LC., v. 117, p. 20222.

[39] *The Port Folio*, Mar. 28, 1801.

[40] Jefferson to Madison, Nov. 12, 1801; *Works*, Ford, IX, 321 n.

[41] Gallatin to Jefferson, Nov., 1801; Gallatin, *Writings*, I, 68.

[42] "Reports of U. S. Attys.," Misc. Letters, State Dept., Nat. Arch.

[43] "First Annual Message," Dec. 8, 1801; Richardson, *Messages of the Presidents*, I, 326-32.

[44] Jefferson to Mazzei, Dec. 30, 1801; Maruzzi Arch., Pisa. Printed in *Va. Mag.*, v. 51, p. 124.

CHAPTER 50

[1] Dupont to Jefferson, Dec. 17, 1801; *Jefferson and Dupont de Nemours* (D. Malone, ed.), 30-6.

[2] Jefferson to Dupont, Jan. 18, 1802; *Works*, Ford, IX, 342-4 n.

[3] Jefferson to John Dickinson, Dec. 19, 1801; *Writings*, Mont., X, 301-3.

[4] *Life, Journals & Correspond. of Manasseh Cutler*, II, 54-5. Jefferson to T. M. Randolph, Jan. 1, 1802; Jefferson Papers, LC., v. 119, p. 20599.

[5] "Dr. Mitchill's Letters from Washington"; *Harper's Mag.*, v. 58, pp. 743-4.

[6] *Ibid;* v. 58, p. 744.

[7] Jefferson to Levi Lincoln, Jan. 1, 1802; *Works*, Ford, IX, 346-7.

[8] Levi Lincoln to Jefferson, Jan. 1, 1802; Jefferson Papers, LC., v. 119, p. 20600. Jefferson to Baptist Congregation, Jan. 1, 1802; S. Padover, *Complete Jefferson*, 518-19.

[9] *Annals of Cong.*, 7th Cong., 1st Sess., pp. 23, 25-8.

[10] *Ibid;* pp. 33, 41.

[11] Bayard to Bassett, Jan. 25, 1802; *Papers of James Bayard*, 147. Jackson to Jefferson, Dec. 28, 1801; Jefferson Papers, LC., v. 119, p. 20503.

[12] Jefferson to J. W. Eppes, Jan. 22, 1802; MS., N. Y. H. S.

[13] Gouverneur Morris to R. Livingston, Aug. 21, 1802; Morris, *Diary and Letters*, II, 426.

[14] For a discussion of Burr's votes, see Schachner, *Burr*, 222-4.

[15] Jefferson to T. M. Randolph, Feb. 21, 1802; Jefferson Papers, LC., v. 121, p. 20836.

[16] Bayard to Hamilton, Apr. 12, 1802; Hamilton, *Works* (J. C. Hamilton, ed.), VI, 539. Hamilton to Gouverneur Morris, Mar. 4, 1802; Hamilton, *Works* (Lodge, ed.), X, 427-8.

[17] Monroe to Jefferson, Feb. 13, 1802; Monroe, *Writings*, III, 336-8.

[18] Jefferson to Monroe, June 2, 1802; *Works*, Ford, IX, 373-5. To Rufus King, July 13, 1802; *ibid*, IX, 383-7.

[19] Monroe to Jefferson, June 11, 1802; Monroe, *Writings*, III, 351-3.

[20] Jefferson to J. W. Eppes, Jan. 1, 1802; Jefferson MSS., U. of Va.

[21] Jefferson to Charles W. Peale, Jan. 16, 1802; Jefferson Papers, LC., v. 120, p. 20680.

[22] Jefferson to Page, Feb. 20, Apr. 2, May 7, 1802; *Works*, Ford, IX, 350-6, 352-3 n. See also Jefferson to Gallatin, Aug. 28, 1801; Gallatin Papers, N. Y. H. S., and Page to Jefferson, Mar. 27, 1802; Jefferson Papers, LC., v. 121, p. 20968.

[23] Jefferson to Maria J. Eppes, Mar. 3, 1802; Jefferson Papers, LC., v. 121, p. 20875.

[24] Jefferson to T. M. Randolph, Mar. 12, 28, 1802; *ibid*, v. 121, pp. 20904-5, 20971.

[25] Jefferson to James Dinsmore, Mar. 19, 1802; *ibid*, v. 121, p. 20932.

[26] Acct. Bk., Mar. 4, 1801-Mar. 4, 1802; N. Y. P. L. "State of the Apparent Monthly Balances-Advances on the Presidents a/c with J. Barnes," Mar. 31, 1801-May 3, 1803, Jefferson MSS., U. of Va. Acct. Bk., Jan. 23, 1809; Mass. H. S.

[27] Annals of Cong., 7th Cong., 1st Sess., pp. 989, 1015-16, 1073.

[28] *Ibid*, pp. 250, 1129.

[29] Jefferson to Gallatin, Apr. 1, 1802; *Works*, Ford, IX, 358-61.

[30] Jefferson to Monroe, Mar. 31, 1802; Monroe Papers, N. Y. Pub. Lib. The Convention was ratified in the Senate on May 3, 1802; *Annals of Cong.*, 7th Cong., 1st Sess., p. 303.

[31] Annals of Cong., 7th Cong., 1st Sess., pp. 259, 304, 1293.

[32] Gideon Granger to Jefferson, May 11, 14, 17, 23, 1802; Jefferson Papers, LC., v. 123, pp. 21230, 21239, 21243, 21264.

[33] Jefferson to Levi Lincoln, Mar. 24, 1802; *Works*, Ford, IX, 357-8.

[34] Jefferson to Volney, Apr. 20, 1802; Jefferson Papers, LC., v. 122, pp. 21086-8.

[35] Jefferson to Cheetham, Apr. 23, 1802; *ibid*, v. 122, p. 21104.

[36] Jefferson to Matthew Cary, May 4, 1802; *ibid*, v. 123, p. 21184.

[37] Jefferson to Rodney, Apr. 24, 1802; *Works*, Ford, IX, 368-9.

[38] Jefferson to Joel Barlow, May 3, 1802; *ibid*, IX, 370-2.

[39] Jefferson to Mme. Corny, Apr. 23, 1802; Jefferson Papers, LC., v. 122, pp. 21105-6. A few days later, Angelica Church called on Jefferson for help to her son, whose ship and cargo had been seized by the Portuguese; Apr. 27, 1802; *ibid*, v. 122, p. 21138.

[40] Wm. Duane to Jefferson, Oct. 18, 1802; *ibid*, v. 126, pp. 21850-1.

[41] Gallatin to Jefferson, Aug. 3, Sept. 21, 1802; *ibid*, v. 125, p. 21545; v. 126, pp. 21762-3.

[42] Jefferson to Gideon Granger, Aug. 29, 1802; *Works*, Ford, IX, 393-4.

[43] Jefferson to Madison, July 30, 1802; Misc. Letters, Dept. of State, Nat. Arch.

[44] Jefferson to Madison, Aug. 9, 1802; *ibid.*

[45] Gallatin to Jefferson, Aug. 16, 1802; Gallatin, *Writings*, I, 86-90.

[46] Jefferson to Madison, Aug. 23, 1802; Jefferson Papers, LC., v. 125, p. 21656. Jefferson to Robert Smith, Aug. 30, 1802; *ibid*, v. 126, p. 21688.

[47] Robert Smith to Jefferson, Sept. 14, 1802; *ibid*, v. 126, pp. 21742-4. Jefferson to Smith, Sept. 17, 20, 1802; *ibid*, v. 126, pp. 21750, 21756. To Gallatin, *ibid*, v. 126, p. 21757.

[48] Jefferson to Robert Smith, Oct. 16, 1802; *ibid*, v. 126, p. 21839.

[49] Anas, *Works*, Ford, I, 370-1.

[50] Jefferson to Latrobe, Nov. 2, 1802; Jefferson Papers, LC., v. 127, pp. 21927-8.

[51] Gallatin to Jefferson [rec.] Nov. 21, 1802; *ibid*, v. 127, pp. 21983-5.

[52] Latrobe to Jefferson, Dec. 4, 1802; *ibid*, v. 127, pp. 22026-7. Jefferson to Congress, Dec. 27, 1802; *ibid*, v. 128, p. 22105.

[53] Jefferson to Gallatin, Sept. 13, 1802; *Works*, Ford, IX, 394.
[54] Jefferson to Gallatin, Oct. 13, 1802; *ibid*, IX, 398-9.

CHAPTER 51

[1] Adams, *Hist. of U. S.*, I, 367. Henry Adams's great work, based on the archives of the European Powers, gives the fundamental background of the cession of Louisiana.
[2] Napoleon to Decrès, June 4, 1802; *ibid*, I, 399.
[3] Jefferson to Monroe, May 29, 1801; *Works*, Ford, IX, 263. Madison to Chas. Pinckney, June 9, 1801; to R. R. Livingston, Sept. 28, 1801; *Am. State Papers: For. Rel.*, II, 510.
[4] King to Madison, Nov. 20, 1801; R. R. Livingston to Madison, Dec. 31, 1801; *Am. State Papers: For. Rel.*, II, 511, 513.
[5] Dupont to Jefferson, Apr. 13, 1802; *Jefferson and Du Pont de Nemours* (Chinard, ed.), 43.
[6] Jefferson to Dupont, Apr. 21, 1802; *ibid*, 44.
[7] Dupont to Jefferson, Apr. 24, 1802; *ibid*, 44-6.
[8] Jefferson to R. R. Livingston, Apr. 18, 1802; *Works*, Ford, IX, 363-8.
[9] Jefferson to R. R. Livingston, May 5, 1802; *Jefferson and Du Pont* (Chinard), 54.
[10] Jefferson to Dupont, Apr. 25, 1802; *Jefferson and Dupont* (D. Malone, ed.), 46-9.
[11] Dupont to Jefferson, Apr. 30, 1802; *ibid*, 52-61.
[12] Dupont to Jefferson, May 12, 1802; *ibid*, 61-7.
[13] Livingston to King, Jan. 25, 1802; "Letters of R. R. Livingston," by E. A. Parsons, in *Amer. Antiquarian Soc. Proc.*, v. 52, pp. 376-7.
[14] Livingston to King, Mar. 27, 1802; *ibid*, v. 52, p. 379.
[15] King to Livingston, July 12, 1802; Rufus King Papers, N. Y. H. S.
[16] Livingston to Madison, Apr. 24, 1802; *Am. State Papers: For. Rel.*, II, 515-6. Chevalier d'Azara to Livingston, June 2, 1802; *ibid*, II, 519.
[17] Livingston to Madison, Sept. 1, 1802; *ibid*, II, 525.
[18] Dupont to Jefferson, Aug. 16, 1802; *Jefferson and Du Pont* (Chinard), 61-2. To same, Oct. 4, 1802; *Jefferson and Dupont* (Malone), 68-71.
[19] Daniel Clark to Madison, June 22, 1802; Monroe Papers, LC.
[20] Jefferson to Madison, Aug. 30, 1802; Jefferson Papers, LC., v. 126, p. 21692.
[21] King of Spain to Intendant of New Orleans, July 14, 1802; Seville Archives, quoted in Channing, *Hist. of U. S.*, IV, 326-7.
[22] Yrujo to Madison, Nov. 27, 1802; State Dept. MSS., Nat. Arch. Yrujo to Morales, Nov. 26, 1802; Gayarré, *Hist. of La.*, III, 576. Madison wrote to Chas. Pinckney, Nov. 27, 1802, to demand at Madrid an immediate countermand of Morales' orders; *Am. State Papers: For. Rel.*, II, 527.
[23] Jefferson to Livingston, Oct. 10, 1802; *Works*, Ford, IX, 396-8.
[24] Pichon to Talleyrand, Dec. 22, 1802; Adams, *Hist. of U. S.*, I, 429.
[25] Jefferson to Madison, Aug. 30, 1802; Madison Papers, LC., v. 24, p. 100. To same, Sept. 6, 1802; *ibid*, v. 24, p. 104.
[26] Jefferson to Gallatin, Aug. 3, 1802; Jefferson Papers, LC., v. 125, p. 21545.
[27] Gallatin to Jefferson [rec. Nov. 21, 1802]; *ibid*, v. 127, pp. 21983-5.
[28] Jefferson to Priestley, Nov. 29, 1802; *Works*, Ford, IX, 404-6.
[29] Jefferson to Short, to George V. Erving, July 16, 1802; Jefferson Papers, Mo. H. S.
[30] Wm. Duane to Jefferson, Nov. 27, 1802; Jefferson Papers, LC., v. 127, p. 22004.
[31] Dec. 11, 1802; *Harper's Mag.*, v. 58, p. 745.
[32] Jefferson to Paine, Jan. 13, 1803; *Works*, Ford, IX, 417-18.
[33] Paine to Jefferson, Jan. 12, 1803; Jefferson Papers, LC., v. 128, p. 22200. Paine had already suggested to Jefferson that the United States purchase Louisiana [rec. Dec. 25, 1802]; *ibid*, v. 128, pp. 22125-6.
[34] Wm. Plumer to Jeremiah Smith, Dec. 9, 1802; Plumer MSS., LC.
[35] Dec. 13, 1802; *Life, Journals & Corresp. of Manasseh Cutler*, II, 113.
[36] "Second Annual Message," Dec. 15, 1802; *Works*, Ford, IX, 406-15.
[37] Plumer's MS. Autobiography, LC. The autobiography was written in 1827.
[38] *Ibid.*
[39] *Ibid.*
[40] *Am. State Papers: For. Rel.*, II, 469, 471.

[41] *Annals of Cong.*, 7th Cong., 2nd Sess., 339, 342.
[42] *Ibid*, 255-6.
[43] *Ibid*, 311, 366.
[44] *Ibid*, 367, 370-1.
[45] Jefferson to Monroe, Jan. 10, 1803; *Works*, Ford, IX, 416-17.
[46] *Annals of Cong.*, 7th Cong., 2nd Sess., 371-4.
[47] Jefferson to Monroe, Jan. 13, 1803; *Works*, IX, 418-21.
[48] Jefferson to Priestley, Jan. 29, 1804; *ibid*, X, 69-72.
[49] Gallatin to Jefferson, Jan. 13, 1803; Gallatin, *Writings*, I, 111-14.
[50] Levi Lincoln to Jefferson, Jan. 10, 1803; Jefferson Papers, LC., v. 128, pp. 22189-90. Jefferson to Gallatin [Jan., 1803]; Gallatin, *Writings*, I, 114-15.

CHAPTER 52

[1] Jefferson to T. M. Randolph, Jan. 17, 1803; Jefferson Papers, LC., v. 129, p. 22219.
[2] Jefferson to Richard Derby, Mar. 6, 1803; *ibid*.
[3] Jefferson to Mme. de Tessé, Jan. 30, 1803; *ibid*, v. 129, pp. 22267-8.
[4] Jefferson to Maria Cosway, Jan. 31, 1803; *ibid*, v. 129, p. 22273.
[5] Jefferson to M. de Cepede, Feb. 24, 1803; *ibid*, v. 130, pp. 22397-8.
[6] Jefferson to Rush, Apr. 21, 1803; Jefferson Papers, Mass. H. S. Printed in *Works*, Ford, IX, 457-8 n.
[7] "Syllabus ... of the Doctrines of Jesus"; *Works*, Ford, IX, 457-63. It had already been outlined in different form in a letter from Jefferson to Priestley, Apr. 9, 1803; *ibid*, 458-9 n.
[8] Jefferson to Martha J. Randolph, Apr. 25, 1803; Jefferson Papers, LC., v. 131, p. 22631. See also to Priestley, Apr. 24, 1803; *ibid*, v. 131, p. 22630; to "three or four particular friends"; Apr. 21, 1803; *ibid*, v. 131, p. 22616; to Levi Lincoln, Apr. 26, 1803; *Works*, Ford, IX, 459 n.
[9] Priestley to Jefferson, May 7, 1803; Jefferson Papers, LC., v. 131, p. 22679.
[10] Jefferson to Edward Dowse, Apr. 19, 1803; *ibid*, v. 131, p. 22605. Printed in *Writings*, Mont., X, 378.
[11] Jefferson to Christopher Ellery, May 9, 1803; Jefferson Papers, LC., v. 131, p. 22684. Printed in *Works*, Ford, IX, 466-8 under the erroneous date of May 19, 1803.
[12] Jefferson to Gov. Wm. H. Harrison, Feb. 27, 1803; *Writings*, Mont., X, 368-73. To same effect to Henry Dearborn, Sec. of War, Dec. 29, 1802; Jefferson Papers, LC., v. 128, pp. 22110-12.
[13] Jefferson to Gov. W. C. C. Claiborne, May 24, 1803; *Writings*, Mont., X, 390-6. He also wrote to James Jackson, with instructions for the use of agents among the Indians, Feb. 16, 1803; Jefferson Papers, LC., v. 129, pp. 22365-6. The recipient is erroneously listed in *Writings*, Mont., X, 357, as *Andrew* Jackson.
[14] Jefferson to André Michaux [Jan., 1793]; *Works*, Ford, VII, 208-12.
[15] "Message on Expedition to the Pacific," Jan. 18, 1793; *ibid*, IX, 421-34.
[16] Jefferson to Caspar Wistar, Feb. 28, 1803; *ibid*, IX, 422 n.
[17] Jefferson to Lewis Harvie, Feb. 29, 1803; Jefferson Papers, LC., v. 130, p. 22420. Harvie to Jefferson, Mar. 12, 1803; *ibid*, v. 130, p. 22478.
[18] Jefferson to Peyrouse, July 3, 1803; *Works*, Ford, IX, 429-30 n.
[19] Jefferson to Meriwether Lewis, June 20, 1803; *ibid*, IX, 423-9 n. Gallatin at this point was even ahead of Jefferson. He foresaw the necessity of taking possession of Upper Louisiana and the Missouri country in order to keep them from falling into the hands of Great Britain. He foresaw also that some day it would be essential to provide for the expansive overflow of the American people; to Jefferson, Apr. 13, 1803; Jefferson Papers, LC., v. 131, pp. 22582-3. The real purposes of the expedition were even masked from the American public, it being given out that only an exploration of the Mississippi was intended; Jefferson to Lewis, Apr. 27, 1803; *ibid*, v. 112, p. 19216.
[20] Jefferson to R. R. Livingston, Feb. 3, 1803; *Works*, Ford, IX, 441-3. See also Madison to same, Jan. 18, 1803; *Amer. State Papers: For. Rel.*, II, 529.
[21] Jefferson to Dupont, Feb. 1, 1803; *Works*, Ford, IX, 436-43.
[22] Madison to Jefferson, Mar. 14, 1803; Jefferson Papers, LC., v. 130, p. 22481.
[23] Livingston to Madison, Mar. 18, 1803; *Amer. State Papers: For. Rel.*, II, 548.
[24] Talleyrand to Livingston, Mar. 21, 1803; *ibid*, II, 550.

[25] Livingston to Talleyrand, Mar. 11 [23], 1803; *ibid*, II, 550-1.
[26] Livingston to Rufus King, Jan. 20, Feb. 3, 1803; "Letters of R. R. Livingston," in *Amer. Antiq. Soc. Proc.*, v. 52, pp. 386, 388.
[27] Madison to Livingston and Monroe, Mar. 2, 1803; *Amer. State Papers: For. Rel.*, II, 540-4.
[28] Jefferson to Sir John Sinclair, June 30, 1803; quoted in Adams, *Hist. of U. S.*, I, 445-6.
[29] Anas, Apr. 8, 1803; *Works*, Ford, I, 372.
[30] Anas, May 7, 1803; *ibid*, I, 372-3.
[31] Jefferson to John Bacon, Apr. 30, 1803; *ibid*, IX, 463-4.
[32] Barbé-Marbois, *Hist. of Louisiana*, 263.
[33] *Ibid*, 274.
[34] Livingston to Madison, Apr. 11, 1803; *Amer. State Papers: For. Rel.*, II, 552.
[35] Livingston to Madison, Apr. 13, 1803; *ibid*, II, 552-4. Monroe to Madison, Apr. 15, 1803; Monroe, *Writings*, IV, 9-12.
[36] Monroe to Madison, Apr. 15, 1803; *supra*.
[37] T. Jung, *Lucien Bonaparte et ses Mémoires*, II, 121 ff.
[38] Livingston to King, Apr. 27, 1803; *Letters of Livingston*, 399-401.
[39] Monroe's Memorandum on La., Apr. 27-May 9, 1803; Monroe, *Writings*, IV, 12-19.
[40] Livingston to King, May 7, 1803; *Letters of Livingston*, 402-3.

CHAPTER 53

[1] Livingston and Monroe to Madison, May 13, 1803; *Amer. State Papers: For. Rel.*, II, 558-60.
[2] Barbé-Marbois, *Hist. of La.*, 283, 286.
[3] Adams, *Hist. of U. S.*, II, 43-4.
[4] Livingston to Madison, May 20, 1803; *Amer. State Papers: For. Rel.*, II, 560-1.
[5] Livingston and Monroe to Madison, June 7, 1803; *ibid*, II, 563-4.
[6] Livingston to Jefferson, June 2, 1803; Jefferson Papers, LC., v. 132, pp. 22792-3.
[7] D'Azara to Talleyrand, June 6, 1803, Adams, *Hist. of U. S.*, II, 58.
[8] Talleyrand to Bournonville, June 22, 1803; *ibid*, II, 61-2.
[9] Jefferson to Rush, Feb. 28, 1803; *Works*, Ford, IX, 452-4.
[10] The correspondence between Jefferson and Craven Peyton on the Henderson quarrel is extensive and may be found in the Jefferson Papers, U. of Va., commencing on Oct. 27, 1802 and running well into 1804.
[11] Jefferson to Maria J. Eppes, Jan. 18, 1803; Randall, *Jefferson*, III, 44-5.
[12] T. M. Randolph to Jefferson, May 22, 1803; Jefferson Papers, LC., v. 131, p. 22736. Jefferson to Randolph, July 5, 1803; *ibid*, v. 133, p. 22946.
[13] John Page to Jefferson, Apr. 25, 1803; *ibid*, v. 131, pp. 22632-3. Jefferson to T. M. Randolph, May 5, 1803; *ibid*, v. 131, pp. 22670-1.
[14] Acct. Bk., Mar. 4, 1803; N. Y. Pub. Lib.
[15] Acct. Bk., Mar. 20, 1804; Mass. H. S. See also Jefferson to Joseph Yznardy, May 10, 1803; Jefferson Papers, LC., v. 131, p. 22691.
[16] Gov. McKean to Jefferson, Feb. 7, 1803; Jefferson Papers, LC., v. 129, pp. 22325-6.
[17] Jefferson to McKean, Feb. 19, 1803; McKean Papers, Pa. H. S. Printed in *Works*, Ford, IX, 449-52.
[18] Jefferson to Levi Lincoln, June 1, 1803 (with article enclosed); Jefferson Papers, LC., v. 132, p. 22780. Printed in *Works*, Ford, IX, 469-74; but without the postscript in which Jefferson asks Lincoln to prune it and adapt it to "the character and feelings of a Massachusetts writer." The article appeared in the Boston *Chronicle*, June 27, 1803.
[19] Jefferson to Gallatin, Jan., 1803; *Works*, Ford, X, 3 n.
[20] *Works*, Ford, X, 3-12.
[21] Robert Smith to Jefferson (enclosing his own draft of an amendment), July 9, 1803; *ibid*, X, 3-5 n.
[22] Anas, July 16, 1803; *ibid*, I, 373-5.
[23] Jefferson to Gates, July 11, 1803; Emmet Coll., N. Y. Pub. Lib. Printed in *Works*, Ford, X, 12-14.

[24] Jefferson Papers, LC., v. 135, pp. 23267-71, v. 137, pp. 22690-1, 23694, 23695, 23696-704 *et passim.*

[25] Jefferson to John C. Breckinridge, Aug. 12, 1803; MS., Wm. L. Clements Lib. Published in *Works*, Ford, X, 5-7 n.

[26] Jefferson to Breckinridge, Aug. 10, 1803; *Works*, Ford, X, 7-8 n. To Madison, Sept. 7, 1803; Jefferson Papers, LC., v. 135, p. 23273. To Dearborn, Aug. 23, 1803; *ibid*, v. 134, p. 23195. To Madison, Aug. 18, 1803; Rives Papers, LC.

[27] W. C. Nicholas to Jefferson, Sept. 3, 1803; Jefferson Papers, LC.

[28] Jefferson to Nicholas, Sept. 7, 1803; *Works*, Ford, X, 10-11, n.

[29] Jefferson to Gallatin, Aug. 23, 1803; Gallatin Papers, N. Y. H. S. Gallatin to Jefferson, Aug. 31, 1803; Jefferson Papers, LC., v. 134, pp. 23238-43.

[30] Livingston to Monroe, Sept. 11, 1803; Monroe to Livingston, Oct. 9, 1803; *Amer. Art Assoc. Catalogue*, Apr. 15, 1937.

[31] Yrujo to Madison, Sept. 4, 27, 1803; *Amer. State Papers: For. Rel.*, II, 569.

[32] Madison to Yrujo, Oct. 4, 1803; Pichon to Madison, Oct. 14, 1803; *ibid*, II, 569-70, 571-2.

[33] Gallatin to Jefferson, Jan. 18, 1803; Gallatin, *Writings*, I, 117.

[34] Jefferson to Robert Smith, Oct. 10, 1803; Jefferson Papers, LC., v. 135, p. 23366.

[35] "Third Annual Message"; *Works*, Ford, X, 23-44.

[36] Jefferson to Rush, Oct. 14, 1803; *ibid*, X, 32.

[37] Wm. Plumer, MS. Autobiography; LC.

[38] *Ibid.* Plumer, *Memorandum of Proceedings in the U. S. Senate* (E. S. Brown, ed.), 13.

[39] *Annals of Cong.*, 8th Cong., 1st Sess., 18, 31.

[40] *Ibid*, 385-7.

[41] *Ibid*, 387-419.

[42] *Ibid*, 432-3, 458, 468-9.

[43] *Ibid*, 498-9, 510.

[44] Jefferson to John Randolph, Oct. 25, 1803; Jefferson Papers, LC., v. 136, p. 23449. Randolph to Jefferson, Oct. 25, 1803; *ibid*, v. 136. p. 23451.

[45] *Annals of Cong.*, 8th Cong., 1st Sess., 514, 545-6.

[46] Jefferson to Madison, Sept. 14, 1803; *Works*, Ford, X, 30-1.

[47] Anas, Oct. 4, 1803; *ibid*, I, 375.

[48] Jefferson to Gallatin, Oct. 29, 1803; *ibid*, X, 45-6. Gallatin reported that only 300 regulars could be spared from Fort Adams, but that the Western States would easily raise 5,000 volunteers; to Jefferson, Oct. 28, 1803; Jefferson Papers, LC., v. 136, pp. 23458-61.

[49] Jefferson to Dearborn, Oct. 29, 1803; Jefferson Papers, LC., v. 136, p. 23495.

[50] Jefferson to Page, Nov. 25, 1803; *ibid*, v. 136, p. 23570.

CHAPTER 54

[1] Livingston to Madison, Nov. 15, 1803; *Amer. State Papers: For Rel.*, II, 573-4.

[2] Madison to Livingston, Mar. 31, 1804; *ibid*, II, 575-8.

[3] Talleyrand to Chevalier de Santivanes, 5 Germinal, year 13; *ibid*, II, 659-60.

[4] Madison to Livingston, Mar. 31, 1804; *ibid*, II, 575.

[5] Jefferson to Gallatin, Nov. 9, 1803; *Works*, Ford, X, 46 n.

[6] *Annals of Cong.*, 8th Cong., 1st Sess., 223, 256.

[7] *Ibid*, 1055-6, 1193-4, 1199, 1229-30, 1293-1300.

[8] *Amer. State Papers: For. Rel.*, II, 583.

[9] Jefferson to David Williams, Nov. 14, 1803; *Writings*, Mont., X, 428-31.

[10] Jefferson to Jean Baptiste Say, Feb. 1, 1804; *ibid*, XI, 1-3.

[11] Jefferson to Andrew Ellicott, Dec. 23, 1803; Jefferson Papers, LC., v. 137, p. 23653.

[12] See B. H. Latrobe's *Journal* for his account of the lengthy proceedings.

[13] "Report on Public Buildings," Feb. 22, 1804; Jefferson Papers, LC., v. 138, p. 23947. See also Jefferson to B. H. Latrobe, Feb. 26, 1804; Jefferson Papers, LC., v. 138, p. 23968a. To Chas. W. Peale, Mar. 1, 1804; *ibid*, v. 138, p. 23988. To same, Aug. 19, 1804; *ibid*, v. 142, p. 24760.

[14] King to Madison, Apr. 10, 1802; Adams, *Hist. of U.S.*, II, 361.

[15] "Notes" [1809]; Jefferson Papers, LC., v. 111, p. 19124. See also "Rules of Etiquette" [Nov., 1803]; *Works*, Ford, X, 47-8.

[16] Merry to Hawkesbury, Dec. 6, 1803; Adams, *Hist. of U.S.*, II, 369-70.

[17] Yrujo to Cevallos, Feb. 7, 1804; *ibid,* II, 370-1.

[18] *Ibid.* Pichon to Talleyrand; *ibid,* II, 372. Madison gravely inquired of Rufus King in London what the ceremonial usage in such cases was abroad. "Our wish would be," he wrote, "to unfetter social intercourse as well as public business as much as possible from ceremonious clogs, by substituting the pell mell; but this may be rendered difficult by the pretentions & expectations opposed to it"; Dec. 18, 1803; *King's Life & Correspondence,* IV, 332-3.

[19] Jefferson to Martha J. Randolph, Jan. 23, 1804; Jefferson MSS., Morgan Lib.

[20] Jefferson to Short, Jan. 23, 1804; *Am. Hist. Rev.,* XXXIII, 832-5.

[21] Turreau to Talleyrand, Jan. 27, 1804; Adams, *Hist. of U.S.,* II, 274.

[22] John Walker to Henry Lee, Mar. 28, 1805; Jefferson Papers, LC., v. 155, pp. 27117-21.

[23] "Burwell Memoir," LC.

[24] Walker to Jefferson, Feb. 4, 1786; Jefferson Papers, Mo. H.S.

[25] Jefferson to Walker, Apr. 13, 1803; photostat in Va. Hist. Soc. of a copy of the letter. But the copy has a certification at the bottom by Bishop James Madison and by Chief Justice John Marshall, dated May 13, 1806, that they had seen the original and that this was a true copy.

[26] *The Port Folio,* Dec. 8, 1804.

[27] "Burwell's Memoir," LC.

[28] Walker to Henry Lee, Mar. 28, 1805; Jefferson Papers, LC., v. 148, pp. 25833-4.

[29] The letter to Lincoln, perhaps dated July 1, 1805, has vanished. So has a copy of it which Jefferson enclosed to Robert Smith, accompanied by an explanatory letter from which the textual quotation is taken, dated July 1, 1805; *Jefferson Correspondence, Bixby Coll.,* 114-15. The original is in the Huntington Lib.

[30] Henry Lee to Jefferson, Sept. 8, 1806; Jefferson Papers, LC., v. 161, pp. 28252-3.

[31] Monroe to Jefferson, Sept. 4, 1809; *ibid,* v. 188, p. 33464. Hugh Nelson to Jefferson, Sept. 4, 1809; *ibid,* v. 188, p. 33465.

[32] Acct. Bk., Mass. H.S.

[33] Jefferson to J. W. Eppes, Mar. 15, 1804; Randall, *Jefferson,* III, 98.

[34] Jefferson to W. C. Nicholas, May 3, 1804; Jefferson Papers, Mo. H.S.

[35] Abigail Adams to Jefferson, May 20, 1804; Jefferson MSS., Morgan Lib.

[36] Jefferson to J. W. Eppes, June 4, 1804; Randall, *Jefferson,* III, 99-100. The original is in the Huntington Lib.

[37] Jefferson to Abigail Adams, June 13, 1804; *Works,* Ford, X, 84-6.

[38] Abigail Adams to Jefferson, July 1, 1804; Jefferson Papers, LC., v. 141, pp. 24548-9.

[39] Jefferson to Abigail Adams, July 22, 1804; *Works,* Ford, X, 86-8 n.

[40] Abigail Adams to Jefferson, Aug. 18, 1804; Jefferson Papers, LC., v. 142, pp. 24758-9.

[41] Jefferson to Abigail Adams, Sept. 11, 1804; *Works,* Ford, X, 88-90 n.

[42] Abigail Adams to Jefferson, Oct. 25, 1804; Jefferson Papers, LC., v. 144, pp. 25042-3.

[43] Acct. Bk., Nov. 17, Dec. 8, 1803; N. Y. Pub. Lib.

CHAPTER 55

[1] Anas, Jan. 26, 1804; *Works,* Ford, I, 377-81.

[2] De Witt Clinton to Jefferson, Nov. 26, 1803; Jefferson Papers, LC., v. 136, p. 23574.

[3] Jefferson to De Witt Clinton, Dec. 2, 1803; *Works,* Ford, X, 54-5.

[4] Jefferson to Gideon Granger, Mar. 9, 1814; *ibid,* XI, 383-90.

[5] The details of the election in New York may be found in Schachner, *Burr,* Chap. 16. See also Henry Adams, *New England Federalism,* for the Federalist Conspiracy.

[6] Pickering to George Cabot, Jan. 29, 1804; Adams, *N. E. Federalism,* 338-42.

[7] Pickering to King, Mar. 4, 1804; Lodge, *George Cabot,* 447-9.

[8] Jefferson to Gideon Granger, Apr. 16, 1804; *Works,* Ford, X, 74-6.

[9] Jefferson to Elbridge Gerry, Mar. 3, 1804; *ibid,* X, 73-4.

[10] Tazewell to Jefferson, Mar. 8, 1804; Jefferson Papers, LC., v. 139, pp. 24000-1.

[11] Jefferson to Gallatin, July 12, 1803; *Works,* Ford, X, 15-16.

[12] Jefferson to Gallatin, Dec. 13, 1803; *ibid,* X, 56-8.

[13] *Annals of Cong.,* 7th Cong., 2nd Sess., 460, 544, 641-2, 268.

[14] *Cranch's (U.S.) Reports,* I, 153.

[15] *Annals of Cong.,* 8th Cong., 1st Sess., 790, 794-6.

[16] *Ibid,* 319-22, 328-45, 359-61.

[17] *Ibid*, 367-8.
[18] Plumer's Autobiography; MS., LC.
[19] *Annals of Cong.*, 8th Cong., 1st Sess., 145-6.
[20] Jefferson to Joseph H. Nicholson, May 13, 1803; *Writings*, Mont., X, 390.
[21] Nathaniel Macon to Nicholson, Aug. 6, 1803; Nicholson MSS., LC.
[22] *Annals of Cong.*, 8th Cong., 1st Sess., 806-25, 875-6, 1093, 1171-82, 1237-40.
[23] Plumer to Treadwell, Nov. 6, 1804; Plumer MSS., LC. Plumer, *Memorandum of Proceedings*, Nov. 26, 1804; pp. 203-4.
[24] *Annals of Cong.*, 8th Cong., 2nd Sess., 100-218, 664-9.
[25] Madison to Monroe, Jan. 5, 1804; *Amer. State Papers: For. Rel.*, II, 730-2.
[26] Jefferson to Monroe, Jan. 8, 1804; *Works*, Ford, X, 59-68.
[27] Anas, Feb. 18, 1804; *ibid*, I, 382.
[28] Jefferson to Gallatin, Feb. 22, 1804; Jefferson Papers, LC., v. 138, p. 23948. To same, June 9, 1804; Gallatin, *Writings*, I, 196.
[29] Jefferson to Robert Smith, Apr. 27, 1804; *Works*, Ford, X, 77-9.
[30] Jefferson to Madison, Apr. 27, 1804; Madison Papers, LC., v. 27, p. 35.
[31] Jefferson to Madison, Aug. 18, 1804; Jefferson Papers, LC., v. 142, p. 24752.
[32] Jefferson to Armstrong, May 26, 1804; *Works*, Ford, X, 79-81.

CHAPTER 56

[1] Indenture from Peyton to Jefferson, May 4, 1804; Jefferson to Peyton, Feb. 25, 1804; Peyton v. Henderson, Suit in Chancery, May 1804; Jefferson MSS., U. of Va.
[2] Reply to article in Washington *Federalist*, May 18, 1804; draft dated May 21, 1804; Jefferson Papers, LC., v. 140, pp. 24347-8.
[3] Lafayette to Jefferson, Sept. 1, 1803; Jefferson to Lafayette, Jan. 1804; Chinard, *Lafayette and Jefferson*, 223-4, 226-7. Jefferson to Say, Feb. 1, 1804; *Writings*, Mont., XI, 1-3.
[4] Burwell's Memoir; MS., LC. Jefferson to Caspar Wistar, June 7, 1804; Jefferson Papers, LC., v. 141, p. 24408.
[5] Jefferson to Stephen Cathalan, Mar. 22, 1804; Jefferson Papers, LC., v. 139, p. 24057.
[6] Jefferson to Priestley, Jan. 29, 1804; *Works*, Ford, X, 69-72.
[7] Jefferson to Henry Fry, June 17, 1804; Jefferson Papers, LC., v. 141, p. 24473.
[8] Jefferson to Bishop James Madison, June 29, 1804; *ibid*, v. 141, p. 24529.
[9] Jefferson to Ferdinand Fairfax, Sept. 13, 1804; *ibid*, v. 143, p. 24869.
[10] Jefferson to Claiborne, Aug. 30, 1804; *ibid*, v. 143, pp. 24805-6.
[11] Jefferson to Madison, Aug. 7, 15, 1804; *Works*, Ford, X, 93, 95.
[12] Jefferson to Madison, Sept. 25, 1804; Jefferson Papers, LC., v. 143, p. 24902.
[13] Monroe to Jefferson, Sept. 25, 1804; *ibid*, v. 143, pp. 24914-7. Madison to Jefferson, Aug. 28, 1804; *ibid*, v. 143, p. 24800.
[14] Charles Pinckney to Cevallos, July 5, 1804; *Amer. State Papers: For. Rel.*, II, 620.
[15] Cevallos to Pinckney, July 8, 1804; Pinckney to Cevallos, July 14, 1804; *ibid*, II, 620-1.
[16] Madison to Monroe, Nov. 9, 1804; Madison, *Works*, II, 208.
[17] Jefferson to Madison, Apr. 23, 1804; Jefferson Papers, Mass. H.S.
[18] Jefferson to Robert Smith, Sept. 6, 1804; Jefferson Papers, LC., v. 143, p. 24845.
[19] Annual Message, Nov. 8, 1804; *Works*, Ford, X, 105-17.
[20] Jefferson to Gallatin, Sept. 1, 1804; Gallatin, *Writings*, I, 207.
[21] Jefferson to John Randolph, Nov. 19, 1804; *Works*, Ford, X, 118-22.
[22] Plumer's MS Autobiography, LC.
[23] Jefferson to Wm. Heath, Dec. 13, 1804; Jefferson Papers, LC., v. 145, p. 25267.
[24] Jefferson to John Taylor, Jan. 6, 1805; *Works*, Ford, X, 124-6.
[25] Short to Jefferson, Nov. 5, 1804; Jefferson to Short, Nov. 10, 1804; Jefferson Papers, LC., v. 144, pp. 25089-90, 25126 (facsimile).
[26] Plumer's *Memorandum of Proc. in U. S. Senate*, 193, 212.
[27] J. Q. Adams, *Memoirs* (C. F. Adams, ed.), I, 317, 330.
[28] Jefferson to Littleton W. Tazewell, Jan. 5, 1804; Jefferson MSS., U. of Va.
[29] Jefferson to Tazewell, Mar. 13, 1825; Jefferson Papers, LC., v. 229, p. 40901.
[30] Jefferson to Joseph Nicholson, Jan. 29, 1805; *Writings*, Mont., XI, 59-62.
[31] Jefferson to W. C. Nicholas, Dec. 4, 1804; *Works*, Ford, X, 123-4.

[32] *Annals of Cong.*, 8th Cong., 2nd Sess., 1684.
[33] *Ibid*, 1694-8.

CHAPTER 57

[1] J. Q. Adams, *Memoirs*, I, 373.
[2] *Works*, Ford, X, 127-8 n.
[3] Henry Dearborn to Jefferson, Jan. 12, 1805; Jefferson Papers, LC., v. 146, p. 25461.
[4] Second Inaugural Address, Mar. 4, 1805; *Works*, Ford, X, 127-36.
[5] Jefferson to Benjamin Waterhouse, Mar. 9, 1805; Jefferson Papers, LC., v. 148, p. 25743.
[6] Jefferson to Craven Peyton, Feb. 4, 1805; Peyton to Jefferson, rec. June 25, 1805; Jefferson MSS., U. of Va.
[7] M. B. Smith, *Forty Years of Washington Soc.*, 391, 387-8.
[8] Acct. Bk., 1804-6, *passim;* Mass. H. S.
[9] License from Register of City of Washington to Jefferson, May 7, 1805; Jefferson Papers, Mo. H. S.
[10] Jefferson to Edward Preble, July 6, 1805; Jefferson Papers, LC., v. 151, p. 26328.
[11] Jefferson to Dr. George Logan, May 11, 1805; *Works*, Ford, X, 141-3.
[12] Jefferson to James Bowdoin, April 27, 1805; *ibid*, X, 140-1.
[13] *Annals of Cong.*, 8th Cong., 2nd Sess., 1674-6, 1684-6.
[14] Jefferson to Gov. Robert Williams of Miss. Terr., July 6, 1805; Jefferson Papers, LC., v. 151, p. 26329.
[15] Pinckney and Monroe to Cevallos, Feb. 5, 1805; *Amer. State Papers: For. Rel.*, II, 640.
[16] Armstrong to Monroe, Mar. 12, 18, 1805; *ibid*, II, 636.
[17] Pinckney and Monroe to Cevallos, May 18, 1805; Cevallos to Pinckney and Monroe, May 20, 1805; *ibid*, II, 667.
[18] Erving to Madison, Dec. 7, 1805; Adams, *Hist. of U. S.*, III, 38.
[19] Jefferson to Martha J. Randolph, Oct. 22, 1805; Jefferson MSS., Morgan Lib.
[20] Merry to Mulgrave, Sept. 30, 1805; Adams, *Hist. of U. S.*, III, 97.
[21] Jefferson to Madison, Aug. 17, 1805; Jefferson Papers, LC., v. 152, p. 26531.
[22] Madison to Jefferson, Sept. 1, 1805; *ibid*, v. 152, p. 26608. Jefferson had already proposed the idea to Madison, Aug. 4, 1805; *Works*, Ford, X, 168-9.
[23] Jefferson to Madison, Aug. 27, 1805; *Works*, Ford, X, 172-4.
[24] Memorials from Merchants; *Amer. State Papers: For. Rel.*, II, 737-41, 749-73.
[25] Report of George W. Erving, Sept. 1, 1804 to Sept. 26, 1805; *ibid*, II, 777-98.
[26] Monroe to Madison, Oct. 18, 1805; *ibid*, III, 106-8.
[27] Jefferson to Madison, Oct. 23, 1805; *Works*, Ford, X, 176-7 n. To same effect to Gallatin, Oct. 23, 1805; Gallatin, *Writings*, I, 257.
[28] Cabinet Decision [Nov. 14, 1805]; *Works*, Ford, X, 180-1.
[29] Fifth Annual Message, Dec. 3, 1805; *ibid*, X, 181-98.
[30] Plumer's Register, Dec. 5, 1805; MS., LC.
[31] "Confidential Message on Spain," Dec. 6, 1805; *Works*, Ford, X, 198-205.
[32] "Decius" Letters; *Richmond Enquirer*, Aug. 15, 1806.
[33] Draft Resolutions (2 sets); *Works*, Ford, X, 199-201 n.
[34] "Decius" Letters; *supra.*
[35] MS. Note; Jefferson Papers, LC., v. 233, p. 41748.
[36] Burwell's Memoir; MS., LC.
[37] Plumer's *Memorandum of Proc.*, Jan. 2, 1806; p. 366.
[38] "Militia Bill," *Works*, Ford, X, 213-17.
[39] Jefferson to Wm. Burwell, Jan. 15, 1806; Franklin Papers, Yale Univ.
[40] Notes on "a revisal of the law respecting citizens" [n.d.]; Jefferson Papers, LC., v. 155, p. 27102.
[41] Jefferson to Gallatin, June 26, 1806; *Works*, Ford, X, 273.

CHAPTER 58

[1] *Annals of Cong.*, 9th Cong., 1st Sess., 55-7, 88, 166.
[2] *Ibid*, 412-13.
[3] *Ibid*, 449-51.
[4] *Ibid*, 441-2, 458-60.

[5] *Ibid*, 566-7.
[6] Benjamin Tallmadge to Manasseh Cutler, Feb. 19, 1806; Cutler, *Life of Cutler*, II, 326.
[7] *Annals of Cong.*, 9th Cong., 1st Sess., 769, 778.
[8] Jefferson to Monroe, Mar. 16, 1806; Jefferson Papers, LC., v. 157, p. 27562.
[9] Wm. Duane to Jefferson, Mar. 12, 1806; *ibid*, v. 157, pp. 27548-9.
[10] George Logan to Jefferson, Mar. 12, 1806; *ibid*, v. 157, p. 27550. See also Thomas Leiper to Jefferson, Mar. 23, 1806; *ibid*, v. 157, pp. 27600-3.
[11] Jefferson to Nathaniel Macon, Mar. 22, 1806; *ibid*, v. 157, p. 27597. Printed in *Works*, Ford, X, 248-9 under the erroneous date of Mar. 26th.
[12] Jefferson to Wm. Duane, Mar. 22, 1806; *Works*, Ford, X, 240-3.
[13] *Annals of Cong.*, 9th Cong., 1st Sess., 823-4, 877-8.
[14] Jefferson to Monroe, Mar. 18, 1806; Jefferson Papers, LC., v. 157.
[15] W. C. Nicholas to Jefferson, Apr. 2, 1806; *ibid*.
[16] Plumer's MS. Autobiography; LC.
[17] Plumer's Register, Feb. 14, 1806; LC.
[18] Monroe to Madison, Jan. 28, Mar. 31, 1806; *Amer. State Papers: For. Rel.*, III, 111-12, 115.
[19] Monroe to Madison, Apr. 18, Apr. 20, 1806; *ibid*, III, 116, 117.
[20] Jefferson to Thomas Cooper, Feb. 18, 1806; Jefferson Papers, LC., v. 156, p. 27424.
[21] Jefferson to W. C. Nicholas, Mar. 24, Apr. 13, 1806; *Works*, Ford, X, 243-4, 244-5 n.
[22] Jefferson to Alexander of Russia, Apr. 19, 1806; *ibid*, X, 249-51.
[23] Madison to Monroe and Pinkney, May 17, 1806; *Amer. State Papers: For. Rel.*, III, 119-24.
[24] Jefferson to Monroe, May 4, 1806; *Works*, Ford, X, 259-64.
[25] Monroe and Pinkney to Madison, Sept. 11, Nov. 11, 1806; *Amer. State Papers: For. Rel.*, III, 133-5, 137.
[26] *Amer. State Papers: For. Rel.*, III, 151.
[27] Plumer's *Memorandum of Proceedings*, Mar. 16, 1806; p. 453.
[28] Turreau to Talleyrand, May 10, 1806; Adams, *Hist. of U. S.*, III, 205-6.
[29] Jefferson to J. Holmes Freeman, Feb. 7, Feb. 26, 1806; Jefferson Papers, U. of Va. *Garden Bk.*, 310.
[30] Jefferson to T. M. Randolph, June 23, 1806; Franklin Papers, Yale Univ.
[31] Jefferson to Madison, Feb. 5, 1806; Misc. Letters, State Dept., Nat. Arch.
[32] Gallatin to Jefferson, Mar. 11, 1806; Jefferson Papers, LC., v. 157, pp. 27545-6.
[33] Jefferson to Gallatin, Aug. 15, 1806; *Works*, Ford, X, 281-2. Anas, May 1, 1805; *ibid*, I, 398-9.
[34] Anas, Apr. 15, 1806; *ibid*, I, 391-5.
[35] Jefferson to Samuel Smith, May 4, 1806; *ibid*, X, 264-5.
[36] Merry to Lord Harrowby, Aug. 6, 1804; Mar. 29, 1805; Adams Transcripts, LC.
[37] Yrujo to Casa Calvo, May 23, 1805; "Hispanic-American Phases of the 'Burr Conspiracy,'" by I. J. Cox, in *Hisp. Amer. Hist. Rev.*, XII, 157.
[38] For full details of the "Burr Conspiracy" see Schachner, *Burr, Chaps.* 19-26.
[39] "Your Friend" to Jefferson, rec. Dec. 1, 1805; Jefferson Papers, LC., v. 154, p. 26942.
[40] Daveiss to Jefferson, Jan. 10, 1806; *ibid*, v. 155, pp. 27210-2.
[41] Gallatin to Jefferson, Feb. 12, 1806; *ibid*, v. 156, pp. 27401-2.
[42] Jefferson to Daveiss, Feb. 15, 1806; *Works*, Ford, X, 231-2.
[43] Daveiss to Jefferson, Feb. 10, 1806; Jefferson Papers, LC., v. 156, pp. 27393-4.
[44] Daveiss to Jefferson, Mar. 28, 1806; *ibid*, v. 157, pp. 27620-2.
[45] Plumer's MS. Autobiography, LC.
[46] *Ibid*.
[47] Jefferson to Robert Smith, May 19, 1806; Jefferson Papers, LC., v. 159, pp. 27819-20.

CHAPTER 59

[1] Jefferson to Barnabas Bidwell, July 5, 1806; Jefferson Papers, LC., v. 160, pp. 27995-6. (Omitted from published version in *Writings*, Mont., XI, 114.)
[2] Bidwell to Jefferson, July 28, 1806; *ibid*, v. 160, pp. 28111-12.
[3] Jefferson to Page, July 3, 1806; *ibid*, v. 159, p. 27987.
[4] Jefferson to Martha J. Randolph, July 6, 1806; Jefferson MSS., Morgan Lib.

[5] Jefferson to Martha J. Randolph, Oct. 20, 1806; *ibid.*
[6] "Propositions for consideration & consultation respecting Yrujo," July 9, 19, 1806; Jefferson Papers, LC., v. 160, p. 28018.
[7] Jefferson to W. A. Burwell, Sept. 17, 1806; *Works*, Ford, X, 286-91.
[8] Jefferson to George Morgan, Sept. 19, 1806; *ibid*, X, 291-3.
[9] Monroe to Jefferson, July 8, 1806; Monroe, *Writings*, IV, 477-8.
[10] Beckley to Monroe, July 13, 1806; Monroe Papers, N. Y. Pub. Lib.
[11] Gallatin to Jefferson, Oct. 13, 1806; Jefferson Papers, LC., v. 161, p. 28347. Jefferson to Gallatin, Oct. 12, 1806; *Works*, Ford, X, 294-5.
[12] See Jefferson Papers, LC., v. 161, *passim.*
[13] Jefferson to Monroe, Oct. 26, 1806; *Works*, Ford, X, 296-8.
[14] Burr to Wilkinson, July 29, 1806; Schachner, *Burr*, 322-3. The original cipher and the key were in the possession of Gabriel Wells of New York City.
[15] May 6, 1806; McCaleb, *Aaron Burr Conspiracy*, 121.
[16] Wilkinson to Jefferson, Oct. 20, 21 (2 letters), 1806; Letters in Relation to Burr Conspiracy, LC.
[17] Salcedo to Iturrigaray, Dec. 3, 1806; Bexar Arch., U. of Tex.
[18] Jefferson to Wilkinson, Dec. 19, 1806; Jefferson Papers, LC., v. 162, pp. 28422-7.
[19] Anas, Oct. 22, 1806; *Works*, Ford, I, 401-2.
[20] Anas, Oct. 24, 1806; *ibid*, I, 402-3.
[21] Anas, Oct. 25, 1806; *ibid*, I, 403.
[22] Jefferson to T. M. Randolph, Nov. 3, 1806; Jefferson Papers, Mass. H. S.
[23] Claiborne to Madison, Nov. 18, 25, 1806; *Claiborne's Official Letter Books* (D. Rowland, ed.), IV, 37, 37-8.
[24] Anas, Nov. 25, 1806; *Works*, Ford, I, 404-5. "Proclamation," Nov. 27, 1806; *ibid*, X, 301-2.
[25] "Sixth Annual Message," Dec. 2, 1806; *ibid*, X, 302-20.
[26] "Special Message," Dec. 3, 1806; *ibid*, X, 320-2.
[27] Jefferson to Chas. W. Peale, Dec. 21, 1806; Jefferson Papers, LC., v. 163, p. 28611.
[28] Jefferson to Caesar A. Rodney, Dec. 5, 1806; *Works*, Ford, X, 322-3.
[29] Jefferson to John Langdon, Dec. 22, 1806; Jefferson Papers, LC., v. 163, p. 28617.
[30] Jefferson to John Dawson, Dec. 19, 1806; *ibid*, v. 163, p. 28595.
[31] *Annals of Cong.*, 9th Cong., 2nd Sess., 114, 1249.
[32] *Ibid*, 626.
[33] *Ibid*, 357-8.
[34] Jefferson to Wilkinson, Jan. 3, 1807; *Works*, Ford, X, 332-5.
[35] "Special Message on Burr," Jan. 22, 1807; *ibid*, X, 346-56.
[36] Jefferson to Wilkinson, Feb. 3, 1807; *ibid*, X, 335-6 n.
[37] Madison to Monroe and Pinkney, Feb. 3, 1807; *Amer. State Papers: For. Rel.*, III, 153-6.
[38] Monroe and Pinkney to Madison, Jan. 3, 1807; *ibid*, III, 142-7.
[39] Monroe to John Taylor, Sept. 10, 1810; Monroe Papers, LC.
[40] Samuel Smith to W. C. Nicholas, Mar. 4, 1807; Nicholas MSS., LC.
[41] Samuel Smith to W. C. Nicholas, Mar. 4, 1807 (2nd letter); *ibid.*
[42] Jefferson to Madison, Feb. 1, 1807; Rives Papers, LC. See also to Gallatin, Feb. 1, 1807; Gallatin Papers, N. Y. H. S.
[43] "Notes" [1807]; Jefferson Papers, LC., v. 137, p. 23712.
[44] "Draft Observations" [Mar. 21, 1807]; *ibid*, v. 163, pp. 28702-3.
[45] Anas, Mar. 17, 1807; *Works*, Ford, I, 409.
[46] Jefferson to Monroe, Mar. 21, 1807; *ibid*, X, 374-7.
[47] Jefferson to T. M. Randolph, Feb. 18, 1807; Jefferson Papers, Mass. H. S.
[48] Jefferson to T. M. Randolph, Feb. 19, 1807; Jefferson Papers, LC., v. 165, p. 29024.
[49] Jefferson to Martha J. Randolph, Mar. 6, 23, 1807; Jefferson Papers, Mass. H. S. Same to same, Mar. 20, 1807; Jefferson MSS., Morgan Lib., in which Jefferson also alludes to his own illness and "periodical headaches for 7 straight days, from 9-10 AM to dark, that neither calomel nor bark helps."
[50] J. Q. Adams, *Diary*, I, 495.
[51] Jefferson to Madison, May 8, 1807; *Writings*, Mont., XI, 204.
[52] Gallatin to Jefferson, Apr. 16, 1807; Jefferson Papers, LC., v. 166, p. 29311.
[53] Madison to Jefferson, Apr. 17, 1807; *ibid*, v. 166, p. 29314.
[54] Jefferson to Madison, Apr. 21, 1807; *Works*, Ford, X, 389.

[55] Madison to Monroe and Pinkney, May 20, 1807; *Amer. State Papers: For. Rel.*, III, 166-73.

CHAPTER 60

[1] "*Chesapeake* Proclamation" [July 2, 1807]; *Works*, Ford, X, 434-47.
[2] Jefferson to Gov. Wm. H. Cabell of Va., June 29, 1807; *ibid*, X, 432-3.
[3] Jefferson to George Clinton, July 6, 1807; *ibid*, X, 448-9.
[4] Nicholson to Gallatin, July 14, 1807; Adams, *Gallatin*, 360-1.
[5] Gallatin to Nicholson, July 17, 1807; Gallatin, *Writings*, I, 338.
[6] Jefferson to Short, June 12, 1807; Jefferson-Short Papers, Wm. & Mary College.
[7] Anas, July 2, 1807; *Works*, Ford, I, 410.
[8] Anas, July 5, 1807; *ibid*, I, 411.
[9] Anas, July 26, 1807; *ibid*, I, 411.
[10] Jefferson to Dearborn, July 7, 1807; *ibid*, X, 449-50.
[11] William Tatham to Jefferson, July, 1807. The whole indigestible mass of reports are in Misc. Letters, Dept. of State, Nat. Arch.
[12] Jefferson to Wm. H. Cabell, July 16, 1807; *Works*, Ford, X, 280-1.
[13] Jefferson to T. M. Randolph, July 5, 1807; Jefferson Papers, LC., v. 168, p. 29649.
[14] Nicholson to Gallatin, July 14, 1807; *supra*. See also W. C. Nicholas to Jefferson, July 7, 1807; Jefferson Papers, LC., v. 168, pp. 29669-70.
[15] Nathaniel Macon to Gallatin, Aug. 2, 1807; Adams, *Gallatin*, 362-3.
[16] Jefferson to Cabell, July 24, 1807; *Writings*, Mont., XI, 294-6.
[17] Jefferson to Thomas Appleton, July 9, 1807; Jefferson Papers, LC., v. 168, p. 29688.
[18] Jefferson to T. M. Randolph, July 13, 1807; *ibid*, v. 168, p. 29718.
[19] Jefferson to James Bowdoin, July 10, 1807; *Works*, Ford, X, 453-5.
[20] Jefferson to Dearborn, July 17, 1807; Jefferson Papers, LC., v. 169, p. 29752.
[21] Robert Smith, Secretary of Navy, stood alone in the Cabinet against Jefferson in insisting on "an immediate call of Congress & a demand of the punishment of the offending British Officers." (To Jefferson, July 17, 1807; *ibid*, v. 169, pp. 29755-9.) His brother, Senator Samuel Smith, was equally indignant over what seemed Jefferson's shilly-shallying. He served notice on Gallatin that if the Administration was not adequately prepared for war, "the particular departments which have been remiss will not find defenders in Congress. The Democratic party will not defend through thick & thin." (July 26, 1807; *ibid*, v. 169, pp. 29821-3.)
[22] Jefferson to Wm. Duane, July 20, 1807; *Works*, Ford, X, 470-2.
[23] Jefferson to Madison, Aug. 16, 1807; *ibid*, X, 476-7.
[24] Jefferson to Robert Fulton, Aug. 16, 1807; *ibid*, X, 477-8.
[25] Jefferson to Fulton, July 21, 1813; Franklin Papers, Yale Univ.
[26] Jefferson to Thomas Paine, Sept. 6, 1807; *Works*, Ford, X, 492-3.
[27] Trumbull, *Autobiography*, 246-53. *N. Y. Evening Post*, Dec. 12, 1807.
[28] Madison to Monroe, July 6, 1807; *Amer. State Papers: For. Rel.*, III, 183-5.
[29] Jefferson to Monroe, May 29, 1807; *Writings*, Mont., XI, 211-12.
[30] Jefferson to Dupont, May 2, 1808; *Jefferson and Dupont* (Malone, ed.), 102-3.
[31] Monroe to Jefferson [June, 1807]; Monroe Papers, LC., v. 15, p. 2615.
[32] Erskine to Canning, July 21, 1807; Adams, *Hist. of U. S.*, IV, 37.
[33] Canning to Monroe, July 25, Aug. 3, 1807; *Amer. State Papers: For. Rel.*, III, 187, 188.
[34] Monroe to Madison, Oct. 10, 1807; *ibid*, III, 191-3.
[35] Canning to Monroe and Pinkney, Oct. 17 [15], 1807; *ibid*, III, 197.
[36] Jefferson to Cathalan, June 29, 1807; Jefferson Papers, LC., v. 168, p. 29606.
[37] Jefferson to Martha J. Randolph, Jan. 5, 1808; Jefferson MSS., Morgan Lib.
[38] "Memoranda" [May 13, 1807]; Franklin Papers, Yale Univ.
[39] Jefferson to Latrobe, Apr. 22, 1807; Jefferson Papers, LC.
[40] Latrobe to Jefferson, May 21, 1807; Latrobe, *Journal*, 137-41.
[41] Jefferson to Latrobe, Apr. 25, 1808; Padover, *Jefferson and the Capital*, 414-16.
[42] Jefferson to Martha J. Randolph, Oct. 12, 1807; Jefferson MSS., Morgan Lib.
[43] Jefferson to T. M. Randolph, Oct. 26, 1807; Jefferson Papers, LC., v. 172, p. 30353.

CHAPTER 61

[1] Jefferson to Joseph C. Cabell, Mar. 18, 1807; Jefferson Papers, LC., v. 166, p. 29184.
[2] Jefferson to R. R. Livingston, Mar. 24, 1807; *Writings*, Mont., XI, 170-2.
[3] Jefferson to Levi Lincoln, Mar. 25, 1807; Jefferson Papers, LC., v. 166, p. 29214.
[4] Jos. H. Nicholson to Jefferson, Feb. 18, 1807; *ibid*, v. 165, p. 29020.
[5] *Annals of Congress*, 9th Cong., 2nd Sess., 44, 403.
[6] Jefferson to Daniel Brent, Jan. 23, 1807; to Bollman, Jan. 25, 1807; "Substance of a communication . . . by Dr. Bollman to the President," Jan. 23, 1807; "Bollman's Report to Jefferson," Jan. 26, 1807; Jefferson Papers, LC., v. 164, pp. 28852, 28864, 28865-70, 28875-84.
[7] 4 *Cranch Reports, U. S.*, 125-6.
[8] Jefferson to Bowdoin, Apr. 2, 1807; *Writings*, Mont., XI, 185-6.
[9] Jefferson to Giles, Apr. 20, 1807; *ibid*, XI, 187-91.
[10] Giles to Jefferson, Apr. 6, 1807; Jefferson Papers, LC., v. 166, pp. 29264-5.
[11] Jefferson to Hay, May 20, 1807; *Works*, Ford, X, 394-401.
[12] Hay to Jefferson, May 25, 31, 1807; Jefferson Papers, LC., v. 167, pp. 29452-3, 29482-3.
[13] Hay to Jefferson, June 14, 1807; *ibid*, v. 168, pp. 29533-5.
[14] *Ibid.*
[15] Jefferson to Hay, May 26, 1807; *Works*, Ford, X, 394-5 n.
[16] Jefferson to Hay, June 2, 1807; *ibid*, X, 396-7 n.
[17] Hay to Jefferson, June 9, 1807; Jefferson Papers, LC.
[18] Jefferson to Hay, June 12, 1807; *Works*, Ford, X, 398-400 n.
[19] Jefferson to Hay, June 17, 1807; *ibid*, X, 400-2 n.
[20] Jefferson to Hay, June 19, 1807; *Writings*, Mont., XI, 233-6. To Caesar A. Rodney, June 19, 1807; Jefferson Papers, LC., v. 168, p. 29546.
[21] Jefferson to Wilkinson, June 21, 1807; *Works*, Ford, X, 336-7 n.
[22] John Smith to Jefferson, July 6, 1807; Jefferson Papers, LC., v. p. 29657.
[23] John Randolph to Joseph H. Nicholson, June 25, 28, 1807; Nicholson MSS., LC.
[24] Hay to Jefferson, Sept. 1, 1807; Jefferson Papers, LC., v. 170, p. 30067.
[25] Jefferson to Hay, Sept. 4, 1807; *ibid*, v. 170, p. 30084.
[26] Hay to Jefferson, Oct. 15, 1807; Jefferson Papers, LC.
[27] Jefferson to Wilkinson, Sept. 20, 1807; *Works*, Ford, X, 499-500.
[28] Jefferson to House of Representatives [Sept. 20, 1807?]; Jefferson Papers, LC., v. 163, p. 28701.
[29] Seventh Annual Message, Oct. 27, 1807; Richardson, *Messages of the Presidents*, I, 425-30.
[30] First and Second Drafts; *Works*, Ford, X, 506-7.
[31] Gallatin to Jefferson, Oct. 21, 1807; Gallatin, *Writings*, I, 358-61.
[32] Jefferson to Martha J. Randolph, Nov. 23, 1807; Jefferson MSS., Morgan Lib.
[33] Monroe to Madison, Oct. 10, 1807; *Amer. State Papers: For. Rel.*, III, 191.
[34] Jefferson to T. M. Randolph, Nov. 30, 1807; Jefferson Papers, LC., v. 172, p. 30506.
[35] Messages, Dec. 7, Dec. 18, 1807; *Works*, Ford, X, 528-9, 530-1.
[36] Gallatin to Jefferson, Dec. 18, 1801; Jefferson Papers, LC., v. 173, p. 30617.
[37] *Annals of Cong.*, 10th Cong., 1st Sess., 1216, 1221-2, 50-1, 2814-15. Jefferson to T. M. Randolph; Jefferson Papers, LC., v. 173, p. 30641.

CHAPTER 62

[1] J. Q. Adams, *Diary*, Dec. 18, 1807; I, 491. Erskine to Canning, Dec. 21, 1807; Adams, *Hist. of U.S.*, IV, 175-6.
[2] *Annals of Cong.*, 10th Cong., 1st Sess., 2815-7, 2834-5, 2839-42, 2870-4.
[3] Jefferson to Gideon Granger, Jan. 22, 1808; Jefferson Papers, LC., v. 174, p. 30814.
[4] *Comm. Courant*, Dec. 30, 1807.
[5] *N. E. Palladium*, Oct. 14, 1808.
[6] John Kelly to Wm. Taylor, Jan. 6, 1808; Wm. Taylor Papers, LC.
[7] Justice Joseph Story of the Supreme Court, an eminent Constitutional authority and at the same time a confirmed Federalist, later wrote in his autobiography: "I have ever considered the embargo a measure, which went to the utmost limit of constructive power under the Constitution. It stands upon the extreme verge of the Constitution, being in its

very form and terms an unlimited prohibition, or suspension of foreign commerce." (*Life and Letters*, I, 185-6.)

[8] Jefferson to N. J. Legislature, Dec. 10, 1807; Jefferson Papers, LC., v. 173, pp. 30582-3.

[9] Jefferson to T. M. Randolph, Jan. 26, 1808; *ibid*, v. 174, p. 30841.

[10] Monroe to Jefferson, Feb. 27, 1808; *ibid*, v. 175, pp. 31055-6.

[11] Jefferson to Monroe, Feb. 18, 1808; *Works*, Ford, XI, 9-11.

[12] Jefferson to Monroe, Mar. 10, 1808; *ibid*, XI, 11-14 n.

[13] Monroe to Jefferson, Mar. 22, 1808; Monroe, *Writings*, V, 27-35.

[14] Monroe to John Taylor, Sept. 10, 1810; *ibid*, V, 121-49.

[15] Jefferson to Chas. Thomson, Jan. 11, 1808; *Works*, Ford, XI, 6-7. To T. M. Randolph, Jan. 26, 1808; *supra*.

[16] Rev. Samuel Miller to Jefferson, Jan. 18, 1808; Jefferson Papers, LC., v. 174, pp. 30802-3. Jefferson to Miller, Jan. 23, 1808; *Works*, Ford, XI, 7-9.

[17] Rose to Madison, Jan. 26, 1808; *Amer. State Papers: For. Rel.*, III, 213-14.

[18] Madison to Rose, Mar. 5, 1808; *ibid*, III, 214-17.

[19] Rose to Madison, Mar. 17, 1808; *ibid*, III, 217-20.

[20] Pickering to T. Williams, Jan. 18, 1808; Pickering MSS., Mass. H. S. George Cabot, to whom he had earlier written along the same lines, wholly approved, Dec. 31, 1807; H. C. Lodge, *George Cabot*, 374-5.

[21] Pickering to Rose, Mar. 13, 1808; *New England Federalism* (H. Adams, ed.), 366.

[22] Pickering to Gov. Sullivan, Feb. 16, 1808; published as pamphlet, Boston, 1808.

[23] "Journal of Capt. Henry Massie" [June, 1808]; *Tyler's Mag.*, IV, 84.

[24] Henry's letters to H. W. Ryland (Craig's secretary) are quoted in Adams, *Hist. of U. S.*, IV, 243-7.

[25] J. Q. Adams, *To the Citizens of hte U. S.* (1828); *National Intelligencer*, Oct. 21, 1828. Jefferson to Wm. B. Giles, Dec. 25, 1825; *Works*, Ford, XII, 418-24, gives an account of the meeting with Adams, but confuses the dates, which led to Adams's later clarification. This in turn started a feud between Adams and those members of the Essex Junto who were still alive, and with the sons of those who were not. See also *Am. Hist. Rev.*, XVII, 70-103, 332-55.

[26] Rose to Canning, Jan. 27, 1808; Adams, *Hist. of U. S.*, IV, 188-9.

[27] *Ibid.*

[28] Jefferson to T. M. Randolph, Jan. 26, 1808; Jefferson Papers, LC., v. 174, p. 30841. To Monroe, Apr. 11, 1808; *Works*, Ford, XI, 14-19 n.

[29] Madison to Rose, Mar. 5, 1808; *Amer. State Papers: For. Rel.*, III, 214. Rose to Madison, Mar. 17, 1808; *ibid*, III, 217.

[30] Jefferson to Dupont, May 2, 1808; Jefferson Papers, LC., v. 177, p. 31379.

[31] Jefferson to Joseph Eggleston, Mar. 7, 1808; *ibid*, v. 175, p. 31085. To same effect to Levi Lincoln, Mar. 23, 1808; *Writings*, Mont., XII, 21.

[32] *Commonplace Bk.*, 391-2. The entry is undated, and it may possibly have been made during the War of 1812 when Jefferson, then in retirement, again advocated domestic manufactures. But it is more plausible to place it during the period of the Embargo, when he was ready to go to any extremes to ensure the success of his favorite measure.

[33] *Richmond Enquirer*, Feb. 26, 1808.

[34] *National Intelligencer*, June 27, 1808.

[35] Proclamation, Apr. 19, 1808; Richardson, *Messages of the President*, I, 450-1.

[36] Jefferson to Madison, May 17, 1808; Jefferson Papers, LC., v. 177, p. 31436.

[37] Jefferson to Gov. Daniel D. Tompkins, Aug. 15, 1808; *Writings*, Mont., XII, 131-3.

[38] Jefferson to Gallatin, May 20, 1808; *ibid*, XII, 59-60.

[39] Gallatin to Jefferson, May 28, 1808; Gallatin, *Writings*, I, 393.

[40] Gallatin to Jefferson, July 29, 1808; *ibid*, I, 396-9.

[41] Jefferson to Secretary of Navy, July 16, 1808; *Writings*, Mont., XII, 93. For some reason known only to themselves, the editors of this edition of Jefferson's *Writings* persist in making Jacob Crowninshield Jefferson's Secretary of Navy.

[42] Draft Circular, enclosed in Jefferson to Gallatin, May 16, 1808; Gallatin Papers, N. Y. H. S.

[43] Gallatin to Jefferson, July 15, 1808 (2 letters); Jefferson Papers, LC., v. 179, pp. 31691, 31692.

[44] Jefferson to Gov. James Sullivan, July 16, 1808; *ibid*, v. 179, p. 31696.

[45] Sullivan to Jefferson, July 21, 1808; *ibid*.

[46] Jefferson to Dearborn, Aug. 9, 1808; Works, Ford, XI, 40-1.
[47] Jefferson to Madison, Mar. 11, 1808; *ibid*, XI, 12-18. Madison to Pinkney, Apr. 30, 1808; *Amer. State Papers: For. Rel.*, III, 222.
[48] Pinkney to Madison, Mar. 11, 1808; *Amer. State Papers: For. Rel.*, III, 228-30.
[49] Jefferson to Elisha Tracy, Aug. 9, 1808; Franklin Papers, Yale Univ. One protest against the embargo was signed by 929 electors of Windham Co., Conn.; Tucker-Coleman Coll., Williamsburg Arch. Others came from Newburyport, Boston and Providence, demanding—some of them—that Congress be convened in special session to lift the embargo; Misc. Letters, Dept. of State, Nat. Arch. For the type of threatening letter Jefferson was receiving, see one from Boston signed *John Lane Jones*, Aug. 8, 1808, commencing: "You infernal villain How much longer are you going to keep this damned Embargo on to starve us poor people..."; Jefferson MSS., Huntington Lib.
[50] Robert Smith to Gallatin, Aug. 1, 1808; Adams, *Gallatin*, 373.
[51] Gallatin to Jefferson, Sept. 16, 1808; Gallatin, *Writings*, I, 418.
[52] Gallatin to Jefferson, Aug. 17, 1808; *ibid*, I, 405-7.
[53] Jefferson to Thomas Leib, June 23, 1808; *Works*, Ford, XI, 33-5.
[54] Jefferson to David B. Warden, July 16, 1808; Jefferson Papers, LC., v. 179, p. 31699.
[55] *Lambert's Travels*, II, 64-5.

CHAPTER 63

[1] Gallatin to Jefferson, Aug. 6, 1808; Jefferson Papers, LC., v. 179, pp. 31828-9.
[2] Wm. Plumer to Jefferson, July 22, 1808; Plumer MSS., LC., v. 3, pp. 440-1.
[3] W. C. Nicholas to Jefferson, Oct. 28, 1808; Jefferson Papers, LC.
[4] Monroe to Jos. H. Nicholson, Sept. 24, 1808; Nicholson MSS., LC.
[5] John G. Jackson to Jefferson, Oct. 9, 1808; Jefferson Papers, LC., v. 181, p. 32182.
[6] Jefferson to Jackson, Oct. 13, 1808; *ibid*, v. 181, p. 32202.
[7] Robt. Smith to Jefferson, Nov. 1, 1808; *ibid*, v. 182, p. 32325.
[8] Jefferson to Gallatin, Aug. 11, 1808; *Works*, Ford, XI, 41-2.
[9] Jefferson to Madison, Sept. 6, 1808; *ibid*, XI, 49.
[10] Napoleon to Champagny, Feb. 2, 1808; *Adams, Hist. of U.S.*, IV, 293.
[11] Armstrong to Madison, Feb. 15, 1808; *ibid*, IV, 295-6.
[12] Jefferson to Dearborn, Aug. 12, 1808; *Works*, Ford, XI, 42-3.
[13] Jefferson to Short, July 8, 1808; Jefferson Papers, LC., v. 178, p. 31643.
[14] Jefferson to Short, Aug. 2, 1808; *ibid*, v. 179, p. 31807. To same, Aug. 29, 1808; *ibid*, v. 180, p. 31973. To Madison, July 29, 1808; Madison Papers, LC., v. 34, p. 113.
[15] Jefferson to Emperor of Russia, Aug. 29, 1808; *Works*, Ford, XI, 47-8.
[16] Jefferson to Short, Mar. 8, 1809; *ibid*, XI, 102-4. To Armstrong, Mar. 6, 1809; Jefferson Papers, Box 3, N. Y. Pub. Lib.
[17] Jefferson to Page, Sept. 6, 1808; Jefferson MSS., U. of Va. The italics are in the original.
[18] St. George Tucker to Jefferson, Oct. 5, 1808; Jefferson Papers, LC., v. 181, pp. 32174-5.
[19] John Page to Jefferson, Sept. 13, 1808; *ibid*, v. 181, p. 32060.
[20] Jefferson to Gallatin, Oct. 10, 1808; *ibid*, v. 181, p. 32183.
[21] Gallatin to Jefferson, Oct. 12, 1808; *ibid*, v. 181, p. 32201.
[22] St. George Tucker to Jefferson, Oct. 21, 1808; *ibid*, v. 182, pp. 32254-5.
[23] Jefferson to St. George Tucker, Dec. 8, 1808; *ibid*, v. 183, p. 32512. To same, Dec. 25, 1808; *ibid*, v. 184, p. 32625.
[24] Adams, *Gallatin*, 390.
[25] Burwell to Jefferson, Nov. 21, 1808; Jefferson Papers, LC., v. 182, p. 32401. Jefferson to Burwell, Nov. 22, 1808; *Works*, Ford, XI, 75-8.
[26] Gallatin to Jefferson, Nov. 15, 1808; Jefferson Papers, LC., v. 182, p. 32372.
[27] Jefferson to Dr. George Logan, Dec. 27, 1808; *Writings*, Mont., XII, 219.
[28] Gallatin's Draft; *Works*, Ford, XI, 59-62 n. Jefferson to Gallatin, Oct. 30, 1808; *ibid*, XI, 58-9 n.
[29] "Eighth Annual Message," Nov. 8, 1808; *ibid*, XI, 56-72.
[30] *Annals of Cong.*, 10th Cong., 2nd Sess., 16-17, 19-22, 26.
[31] *Ibid*, 105-6.

[32] *Ibid*, 474, 482, 486, 1024-5.
[33] *Ibid*, 345, 436, 451-2.
[34] Jefferson to T. M. Randolph, Nov. 22, 1808, Dec. 13, 1808; Jefferson Papers, LC., v. 182, p. 32402; v. 183, p. 32550.
[35] Jefferson to Gallatin, Dec. 24, 1808; *ibid*, v. 184, p. 32621.
[36] John Taylor to Jefferson, Dec. 23, 1808; *ibid*, v. 184, pp. 32614-6.
[37] Jefferson to Abraham Bishop, Nov. 13, Dec. 8, 1808; *New Haven Col. Hist. Soc. Papers*, v. 1, pp. 143, 144. Bishop to Jefferson, Dec. 14, 1808; *ibid*, v. 1, p. 145.
[38] *N. E. Palladium*, Jan. 3, 1809.
[39] Adams, *Hist. of U. S.*, IV, 411-13.
[40] George Cabot to Pickering, Oct. 5, 1808; Lodge, *Cabot*, 308. H. G. Otis to Josiah Quincy, Dec. 15, 1808; Quincy, *Life of Quincy*, 164.
[41] Gov. Jonathan Trumbull to Dearborn, Feb. 4, 1809; Adams, *Hist. of U. S.*, IV, 417-18.
[42] Jefferson to T. M. Randolph, Jan. 2, 1809; Jefferson Papers, LC., v. 184, p. 32735. See also to C. L. Bankhead, Jan. 19, 1809; Jefferson MSS., Va. H. S.
[43] Jefferson to Monroe, Jan. 28, 1809; *Works*, Ford, XI, 93-6.
[44] Jefferson to T. M. Randolph, Feb. 7, 1809; *ibid*, XI, 96-7.
[45] Jefferson to Gen. Armstrong, Mar. 6, 1809; Jefferson Papers, Box 2, N. Y. Pub. Lib.
[46] Jefferson to Dupont, Mar. 2, 1809; Malone, *Jefferson and Dupont*, 121-3.
[47] *Annals of Cong.*, 10th Cong., 2nd Sess., 456-61.
[48] Jefferson to James Mease, Jan. 15, 1809; Jefferson Papers, LC., v. 185, p. 32807.
[49] Jefferson to T. M. Randolph, Jan. 17, 1809; Jefferson Papers, LC., v. 185, p. 32818a. To Craven Peyton, Jan. 9, 1809; Jefferson MSS., U. of Va.
[50] Jefferson to Abraham Venable, Jan. 23, 1809; *Works*, Ford, XI, 91-2. To Madison, May 29, 1809; *ibid*, XI, 92-4 n.
[51] Jefferson to James Ronaldson, Feb. 13, 1809; Jefferson Papers, LC., v. 186, p. 33015. To Caleb Kirk, Feb. 13, 1809; *ibid*, v. 186, p. 33016. Kirk to Jefferson, Feb. 17, 1809; *ibid*, v. 186, pp. 33047-50. James Mease to Jefferson, Feb. 27, 1809; *ibid*, v. 186, pp. 33137-8.
[52] M. B. Smith, *Forty Years*, 410.
[53] Weather Bk., Mar. 11, 1809; LC.

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[1] Jefferson to Madison, Mar. 17, 1809; *Writings*, Mont., XII, 266-8.
[2] Jefferson Papers, LC., v. 187, *passim*.
[3] MS. and Printed Broadside, Mar., 1809; Henley-Smith Papers, LC.
[4] Jefferson to Madison, May 22, 1809; Madison Papers, LC., v. 37, p. 92.
[5] Jefferson to T. M. Randolph, Jan. 31, 1809; *Writings*, Mont., XVIII, 262-4.
[6] H. W. Pierson, *Jefferson at Monticello*, 29, 45-52, 56, 70-4, 86, 93-9. This valuable little book consists chiefly of the dictated reminiscences of Edmund Bacon. Other illuminating sidelights on the daily life of Jefferson and his family may be found in the reminiscences of his Negro servant, Isaac Jefferson; Jefferson MSS., U. of Va. With considerable pride Isaac declared that "nary man in this town walked so straight as my master." Jefferson would wear "Vaginny cloth & a red waist coat ... & small clothes: arter dat he used to wear red breeches too." But Isaac added a touch of realism. On being shown a published picture of Jefferson, the former slave shook his head. "Old master," he declared, "never dat handsome in dis world." He substantiated Bacon's account of Martha as a "mighty peacable woman: never holler for servant; make no fuss nor racket." But he disagreed on Thomas Mann, her husband. The latter he thought to be a fine master.
[7] Jefferson to John S. Barnes, Apr. 27, 1809; Jefferson Papers, LC., v. 187, p. 33275.
[8] Jefferson to Levi Lincoln, Mar. 11, 1809; *ibid*, v. 187, p. 33197.
[9] Jefferson to Madison, Mar. 17, 1809; *supra*.
[10] Jefferson to James Jay, Apr. 7, 1809; *Writings*, Mont., XII, 271.
[11] Jefferson to Madison, Apr. 27, 1809; Rives Papers, LC.
[12] Jefferson to Madison, Mar. 30, 1809; *ibid*.
[13] Jefferson to Madison, Apr. 18, 1809; *Works*, Ford, XI, 106-7.
[14] Jefferson to W. C. Nicholas, May 25, 1809; *ibid*, XI, 107-8.
[15] Jefferson to Freneau, May 22, 1809; Jefferson Papers, LC., v. 187, p. 33305.
[16] Jefferson to John Wyche, May 19, 1809; *Writings*, Mont., XII, 282.

[17] Jefferson to B. S. Barton, Sept. 21, 1809; *ibid*, XII, 312-14. To John S. Barnes, Aug. 3, 1809; Jefferson Papers, LC., v. 188, p. 33416.

[18] Jefferson to Madison, Oct. 9, 1809; Madison Papers, LC., v. 39, p. 30.

[19] Lafayette to Jefferson, June 12, 1809; Chinard, *Letters of Lafayette and Jefferson*, 287-8.

[20] Lafayette to Jefferson, Nov. 16, 1810; *ibid*, 318-21.

[21] Jefferson to Lafayette, Jan. 20, 1811; *ibid*, 321-3.

[22] Jefferson to James Fishback, Sept. 27, 1809; Jefferson Papers, Box 2, N. Y. Pub. Lib.

[23] Jefferson to Claiborne, Sept. 10, 1809; Jefferson Papers, LC., v. 188, p. 33470.

[24] Jefferson to Wm. Lambert, Sept. 10, 1809; *ibid*, v. 188, p. 33471. To Meriwether Lewis, Aug. 16, 1809; *ibid*, v. 188, p. 33429. To Madison, Aug. 17, 1809; Madison Papers, LC., v. 38, p. 78.

[25] Jefferson to Gallatin, Oct. 11, 1809; *Works*, Ford, XI, 124-6.

[26] Gallatin to Jefferson, Nov. 11, 1809; Jefferson Papers, LC., v. 189, pp. 33555-6.

[27] Jefferson to Rush, Sept. 22, 1809; *ibid*, v. 188, p. 33495. The manuscript is badly mutilated.

[28] Jefferson to Madison, Nov. 30, 1809; *ibid*, v. 189, p. 33576.

[29] Jefferson to Joel Barlow, Jan. 24, 1810; *Works*, Ford, XI, 131-2. See also to Walter Jones, Mar. 5, 1810; *ibid*, XI, 137-9.

[30] Jefferson to Wm. A. Burwell, Feb. 25, 1810; *Jefferson Correspondence: Bixby Coll.*, 192-4.

[31] Jefferson to Henry Dearborn, July 16, 1810; *Works*, Ford, XI, 142-5.

[32] Jefferson to John Langdon, Mar. 5, 1810; *Writings*, Mont., XII, 373 ff.

[33] Jefferson to Kosciusko, Feb. 26, 1810; *ibid*, XII, 369-70.

[34] Jefferson to Gov. John Tyler, May 26, 1810; *ibid*, XII, 391-4.

[35] Tyler to Jefferson, May 12, 1810; L. G. Tyler, *The Letters and Times of the Tylers*, I, 244-7.

[36] Jefferson to Tyler, May 26, 1810; *supra*.

[37] Jefferson to Madison, May 25, 1810; *Works*, Ford, XI, 139-41. See the letters from Gov. Claiborne to Jefferson giving some of the background of the "Batture" case; *Claiborne's Letter Bks.*, IV, *passim*. See also, W. B. Hatcher, *Edward Livingston*, for an extended consideration of the proceedings.

[38] Jefferson to Gallatin, Aug. 16, 1810; *Writings*, Mont., XII, 409-13. He also asked Wm. B. Giles to prevent the Senate from doing anything that might prove "injurious to a fair trial"; Nov. 12, 1810; *ibid*, XII, 175-6.

[39] Jefferson to Barnes, June 15, 1809; Jefferson Papers, LC., v. 187, p. 33346.

[40] Jefferson to Kosciusko, Feb. 26, 1810; *supra*.

[41] Jefferson to George Hay, June 18, 1810; Jefferson Papers, LC., v. 190, p. 33841.

[42] Hay to Jefferson, July 15, 1810; *ibid*, v. 190, pp. 33866-7.

[43] Jefferson to Hay, Aug. 1, 1810; *ibid*, v. 190, p. 33896.

[44] Livingston v. Jefferson, 15 *Fed. Cas.* 8411 (1811). The ethical basis for Tyler's sitting in a case involving the man who was not only a personal friend, but had been directly responsible for his appointment to the bench, is doubtful, to say the least. This must be set in opposition to the angry protestations by Jefferson and later commentators to the incident in the trial of Burr, when Justice Marshall attended a social function to which Burr had also been invited.

[45] Jefferson to Madison, Oct. 15, 1810; *Works*, Ford, XI, 150-4.

[46] Jefferson to Gallatin, Sept. 27, 1810; Jefferson Papers, LC., v. 191, p. 33981.

[47] The court records, the briefs, and the voluminous correspondence are in the Jefferson MSS., U. of Va.

CHAPTER 65

[1] Jefferson to Wm. Plumer, July 12, 1810; Tucker-Coleman Coll., Colonial Wmsburg Arch. Jefferson to Madison, June 27, 1810; Jefferson Papers, LC., v. 190, p. 33850.

[2] Jefferson to Madison, May 13, 1810; *Writings*, Mont., XII, 389.

[3] Jefferson to Wm. Thornton, Apr. 27, May 24, 1810; Jefferson Papers, LC., v. 190, pp. 33755, 33792.

[4] Farm Bk., Mass. H. S.

[5] Pierson, *Jefferson at Monticello*, 124-5. "Reminiscences of Isaac Jefferson," U. of Va.

[6] Jefferson to J. W. Eppes, Sept. 18, 1812, July 16, 1814; *Huntington Lib. Quarterly*, VI, 342-5, 348. Unfortunately, the building is no longer in existence; it burnt down in 1845.

[7] Jefferson to Judge Innes, Sept. 18, 1813; Jefferson Papers, Mass. H. S.
[8] John Randolph's Diary; Va. State Lib. (copy).
[9] Jefferson to P. Minor, Sept. 24, 1811; Jefferson Papers, Mass. H. S.
[10] Jefferson to Jeremiah A. Goodman, Feb. 3, 1814; original at Monticello, photostat in U. of Va.
[11] Jefferson to Jos. C. Cabell, June 27, 1810; Jefferson MSS., U. of Va.
[12] Jefferson to Wm. Duane, Aug. 12, Sept. 16, 1810; *Writings*, Mont., XII, 404-9, 413-17.
[13] Destutt Tracy, *A Commentary and Review of Montesquieu's Spirit of Laws* (Phila., 1811), 12-13, 19, 33, 43.
[14] Jefferson to Destutt Tracy, Jan. 26, 1811; *Works*, Ford, XI, 181-9.
[15] Jefferson to Duane, Mar. 28, 1811; *ibid*, XI, 189-95.
[16] Jefferson to Wm. Wirt, Mar. 30, 1811; Jefferson Papers, LC., v. 193, p. 34265. Wirt to Jefferson, Apr. 10, 1811; *ibid*, v. 193, p. 34281. Jefferson to Wirt, Apr. 15, 1811; *ibid*, v. 193, p. 34288.
[17] Jefferson to Duane, Apr. 30, 1811; *Works*, Ford, XI, 195-7 n.
[18] Duane to Jefferson, July 5, 1811; Jefferson Papers, LC., v. 193, p. 34364.
[19] Jefferson to Gov. Milledge, Jan. 5, 1811; *ibid*, v. 193, p. 34348.
[20] Jefferson to J. W. Eppes, Jan. 5, 1811; *Works*, Ford, XI, 160-1.
[21] Jefferson to J. W. Eppes, Mar. 24, 1811; Jefferson MSS., Huntington Lib.
[22] Jefferson to Madison, Apr. 7, 1811; Rives Papers, LC.
[23] Jefferson to Dupont, Apr. 15, 1811; *Works*, Ford, XI, 203-4.
[24] Jefferson to Wm. A. Burwell, Aug. 19, 1811; *Jefferson Correspondence: Bixby Coll.*, 198-9.
[25] Rush to Jefferson, Aug. 26, 1811; Jefferson Papers, LC., v. 193, pp. 34419-21.
[26] Jefferson to Charles Clay, Aug. 23, 1811; *Writings*, Mont., XIII, 80-1. To J. W. Eppes, Sept. 6, 1811; Jefferson Papers, LC., v. 194, p. 34441. To Wm. Lambert, Dec. 29, 1811; *ibid*, v. 194, p. 34537. Weather Bk., Sept. 17, 1811; LC. To H. Dearborn, Nov. 15, 1811; *Writings*, Mont., XIII, 110-12.
[27] "Notes on Rivanna River Canal," 1811; Jefferson Papers, LC., v. 194, pp. 34545-55.
[28] Jefferson to George Hay, Dec. 28, 1811; *ibid*, v. 194, p. 34535.
[29] Jefferson to J. W. Eppes, Sept. 6, 1811; *ibid*, v. 194, p. 34441.
[30] Rush to Jefferson, Jan. 2, 1811; *ibid*, v. 192, pp. 34150-2.
[31] Jefferson to Rush, Jan. 16, 1811; *Works*, Ford, XI, 165-73.
[32] Jefferson to Rush, Dec. 5, 1811; Jefferson Papers, LC., v. 194, pp. 34511-12. The letter is printed in the Ford and the Monticello editions, but both omit, for some unexplained reason, the name of the neighbors who brought the good news from Braintree to Monticello.
[33] Rush to Jefferson, Dec. 17, 1811; *ibid*, v. 194, pp. 34523-5.
[34] Adams to Rush, Dec. 25, 1811; Adams, *Works*, X, 10-12.

CHAPTER 66

[1] Adams to Jefferson, Jan. 1, 1812; Jefferson Papers, LC., v. 194, p. 34564.
[2] Jefferson to Adams, Jan. 21, 1812; *Works*, Ford, XI, 218-21.
[3] Jefferson to Rush, Jan. 21, 1812; *ibid*, XI, 218-19 n.
[4] Adams to Jefferson, Feb. 3, 1812; Jefferson Papers, LC., v. 195, pp. 34636-7.
[5] Rush to Jefferson, Feb. 3, 1812; *ibid*, v. 195, p. 34638.
[6] Jefferson to Rush, Mar. 6, 1813; *Writings*, Mont., XIII, 225-6.
[7] Adams to Jefferson, May 1, 1812; Jefferson Papers, LC., v. 196, p. 34808.
[8] Jefferson to James Pleasants, Feb. 9, 1812; Tucker-Coleman Coll., Colonial Williamsburg Arch.
[9] Jefferson to Madison, Apr. 17, 1812; *Works*, Ford, XI, 232-6.
[10] Jefferson to Madison, June 29, 1812; Jefferson Papers, LC., v. 196, p. 34889. (omitted from *Works*, Ford, XI, 262-4). The original is in Rives Papers, LC.
[11] Jefferson to Patrick Gibson, Apr. 12, 1812; *ibid*, v. 195, p. 34764.
[12] Jefferson to Wm. Duane, Apr. 20, 1812; *ibid*, v. 195, p. 34787.
[13] Jefferson to Judge John Tyler, June 17, 1812; *Writings*, Mont., XIII, 165-8.
[14] Adams to Jefferson, June 28, 1812; Adams, *Works*, X, 17-20.
[15] Jefferson to Rush, Mar. 6, 1813; *Writings*, Mont., XIII, 225-6. To Adams, May 27, 1813; *ibid*, XIII, 249.

[16] Jefferson to Kosciusko, June 28, 1812; *Works,* Ford, XI, 258-62.
[17] Jefferson to John Melish, Jan. 13, 1813; *ibid,* XI, 274-80.
[18] Jefferson to Wm. Duane, Aug. 4, 1812; *ibid,* XI, 264-7.
[19] Jefferson to Madison, Nov. 6, 1812; *ibid,* XI, 270-1.
[20] Jefferson to John Hollins, Sept. 16, 1812; Jefferson Papers, LC., v. 196, p. 34947.
[21] Jefferson to Madison, Aug. 12, 1812; Rives Papers, LC.
[22] Jefferson to Elbridge Gerry, June 11, 1812; Franklin Papers, Yale Univ.
[23] Jefferson to James Ronaldson, Oct. 11, 1812; Jefferson Papers, LC., v. 196, p. 34969.
[24] Jefferson to John Barnes, Oct. 8, 1812; *ibid,* v. 196, p. 34968. To Philip Barbour, Oct. 12, 1812, Jan. 4, 1813; *ibid,* v. 197, pp. 34971, 35054-8 (re Rivanna canal). To Archibald Thweatt, May 27, 1812; Jefferson MSS., U. of Va. (This referred to litigation with "the old drunkard [Samuel] Scott" over a fifty acre plot, and became infinitely complicated.) To Monroe, Nov. 3, 1812; Jefferson Papers, LC., v. 197, p. 34994.
[25] Jefferson to Short, Oct. 17, 1812; Jefferson-Short Papers, Wm. & Mary Coll.
[26] Jefferson to Richard M. Johnson, Jan. 29, 1813; Jefferson Papers, LC., v. 197, p. 35094.
[27] Jefferson to Thos. Cooper, July 10, 1812; *Writings,* Mont., XIII, 176.
[28] Jefferson to M. de Bécourt, Feb. 6, 1813; Jefferson Papers, LC., v. 197, p. 35105.
[29] Jefferson to Thos. Cooper, July 10, 1812; *supra.*
[30] Jefferson to Duane, Jan. 22, 1813; *Writings,* Mont., XIII, 213-15.
[31] Jefferson to Duane, Apr. 4, 1813; *ibid,* XIII, 231.
[32] Jefferson to Monroe, June 19, 1813; Monroe Papers, LC., v. 19. p. 3441.
[33] Jefferson to Monroe, May 30, 1813; *Writings,* Mont., XIII, 250-2. To Madison, June 18, 1813; *ibid,* XIII, 259-61. Monroe to Jefferson, June 16, 1813; Monroe, *Writings,* V, 268-71.
[34] Jefferson to Madison, June 21, 1813; *ibid,* XIII, 265-8.
[35] Jefferson to Archibald Robertson, Apr. 30, 1813; Jefferson MSS., U. of Va. To Brown & Robertson, Aug. 27, 1813; *ibid.* To Short, Apr. 25, 1813; Jefferson-Short Papers, Wm. & Mary Coll.
[36] G. Duvall to Madison, Sept. 5, 1812; Madison Papers, LC., v. 49, p. 32.
[37] Jefferson to Madison, Feb. 21, 1813; *Works,* Ford, XI, 281-4.
[38] Jefferson to Mrs. Trist, May 10, 1813; Jefferson Papers, Mo. H. S.
[39] The extant correspondence between the brothers is chiefly in the Jefferson MSS., U. of Va., and may be conveniently found in Mayo, *Jefferson and his unknown brother, Randolph.* Tales of Randolph's simple-mindedness are in Isaac Jefferson's Reminiscences, U. of Va., and in Edgar Wood, *Albemarle County in Virginia,* 237-8.
[40] Jefferson's Deposition, Sept. 15, 1815; Jefferson MSS., U. of Va.
[41] Jefferson to Richard Rush, May 31, 1813; *Works,* Ford, XI, 291-3.
[42] Jefferson to Margaret de Bonneville, Apr. 3, 1813; Jefferson Papers, LC., v. 198, p. 35183.
[43] Adams to Jefferson, June 25, 1813; *ibid,* v. 198, pp. 35288-9.
[44] Adams to Jefferson, June 14, 1813; *ibid,* v. 198, p. 35267. (Printed with minor variations in Adams, *Works,* X, 42-3.)
[45] Jefferson to Adams, June 27, 1813; *ibid,* v. 198, p. 35291. (Printed with variations in *Writings,* Mont., XIII, 279-84.)
[46] Adams to Jefferson, June 30, 1813; Adams, *Works,* X, 46-9.
[47] Adams to Jefferson, July 9, 1813; *ibid,* X, 49-52.
[48] Jefferson to Adams, Aug. 22, 1813; *Works,* Ford, XI, 323-34.
[49] Jefferson to Abigail Adams, Aug. 22, 1813; Jefferson Papers, LC., v. 199, p. 35403. Abigail Adams to Jefferson, Sept. 20, 1813; *ibid,* v. 199, p. 35459.
[50] Jefferson to Adams, Oct. 28, 1813; *Works,* Ford, XI, 341-50.
[51] Jefferson to John Waldo, Aug. 16, 1813; *Writings,* Mont., XIII, 338-47.
[52] Jefferson to Lafayette, Nov. 30, 1813; *Works,* Ford, XI, 356-60. To Humboldt, Dec. 6, 1813; *ibid,* XI, 350-5.

CHAPTER 67

[1] Joseph C. Cabell to Jefferson, Jan. 12, 1813; *Early History of the Univ. of Va.* (J. W. Randolph, ed.), 6.
[2] Cabell to Jefferson, Feb. 17, 1813; *ibid,* 7-8.
[3] Jefferson to Cabell, Nov. 7, 1813; *ibid,* 8-9.
[4] Jefferson to Wm. Cocke, Apr. 17, 1813; Jefferson Papers, LC., v. 198, p. 35203.
[5] Jefferson to James Martin, Sept. 20, 1813; *Works,* Ford, XI, 335-8.

[6] Jefferson to J. W. Eppes, June 24, Sept. 11, Nov. 6, 1813; *ibid*, XI, 297-306, 306-15 n., 315-32 n. A paragraph relating to the Bank of the United States and Jefferson's expectation that its charter would never be renewed was included in the final letter, but was then stricken out (see draft copy in Jefferson MSS., U. of Va.). See also Jefferson to J. C. Cabell, Jan. 17, 1814 (Jefferson MSS., U. of Va.) for additional arguments by him along the same lines. He had hoped, he wrote, that "good old Virginia" might start the cure for paper money "by passing a law that after a certain time, suppose of 6. months, no bank bill of less than 10.D. should be permitted; that after some other reasonable term there should be none less than 20.D. and so on, until these only should be left in circulation whose size would be above the common transactions of any but merchants."

[7] Jefferson to T. M. Randolph, Nov. 14, 1813; Jefferson Papers, LC., v. 200, pp. 35522-3.

[8] Jefferson to Logan, Oct. 3, 1813; *Works*, Ford, XI, 338-41.

[9] Jefferson to Horatio G. Spofford, Mar. 17, 1814; *Writings*, Mont., XIV, 118-20.

[10] Jefferson to Adams, Jan. 24, 1814; Jefferson Papers, LC., v. 200, p. 35638.

[11] *Ibid.*

[12] Jefferson to Archibald Robertson, June 21, 1814; Jefferson MSS., U. of Va. Obviously the year of 1755 was written in error for some other year; which one, however, it is difficult to say.

[13] Jefferson to Dr. Cooper, Jan. 16, 1814; *Writings*, Mont., XIV, 61.

[14] Jefferson to J. C. Cabell, Sept. 23, 1814; Jefferson MSS., U. of Va.

[15] Jefferson to Caspar Wistar, Aug. 17, 1813; Jefferson Papers, LC., v. 199, p. 35388. To Correa, Apr. 19, 1814; *ibid*, v. 201, p. 35738.

[16] Francis Calley Gray, *Thomas Jefferson in 1814*, 67.

[17] *Ibid*, 68. Ticknor, *Life, Letters and Journals*, I, 34-6.

[18] Ticknor, *op. cit.*, I, 36-7.

[19] *Ibid*, 37-8.

[20] Jefferson to B. F. Barton, Apr. 3, 1814; Jefferson Papers, LC., v. 201, p. 35722.

[21] Jefferson to Thomas Law, June 13, 1814; *Writings*, Mont., XIV, 138-44.

[22] Jefferson to Miles King, Sept. 26, 1814; *ibid*, XIV, 196-8.

[23] Jefferson to J. C. Cabell, Jan. 31, 1814; *Works*, Ford, XI, 382.

[24] Jefferson to Dr. Cooper, Jan. 16, 1814; *supra.*

[25] Jefferson to Dr. Cooper, Oct. 7, 1814; *Writings*, Mont., XIV, 199-202.

[26] Jefferson to Peter Carr, Sept. 7, 1814; Jefferson Papers, LC., v. 202, pp. 35947-50.

[27] Cabell to Jefferson, Feb. 14, Feb. 21, 1816; *Early Hist. of the Univ. of Va.*, 56, 57-60.

[28] Cabell to Jefferson, Feb. 26, 1816; *ibid*, 60-1.

[29] Jefferson to Francis Gilmer, Nov. 23, 1814; Jefferson MSS., U. of Va.

[30] Jefferson to Adams, July 5, 1814; *Works*, Ford, XI, 393-400.

[31] Adams to Jefferson, July 16, 1814; Adams, *Works*, X, 100-5.

[32] Jefferson to Adams, July 5, 1814; *supra.*

[33] Jefferson to Girardin, Dec. 21, 1814; Jefferson MSS., Am. Philos. Soc.

[34] Jefferson to Short, Aug. 20, 1814; *Writings*, Mont., XVIII, 283.

[35] Jefferson to Samuel H. Smith, Sept. 21, 1814; *Works*, Ford, XI, 427-30.

[36] Acct. Bk., Apr. 29, 1815; Mass. H. S.

CHAPTER 68

[1] Jefferson to Jeremiah A. Goodman, Dec. 10, 1814; Jefferson Papers, LC., v. 202, p. 36078.

[2] Jefferson to Madison, Oct. 15, 1814; *Works*, Ford, XI, 432-6. To Monroe, Jan. 1, 1815; *ibid*, XI, 442-6. To Wm. H. Crawford, Feb. 11, 1815; *ibid*, XI, 450-4.

[3] Jefferson to Lafayette, Feb. 14, 1815; *ibid*, XI, 454-64.

[4] Monroe to Jefferson, Feb. 15, 1815; Jefferson Papers, LC., v. 203, p. 36151.

[5] Jefferson to Madison, Mar. 23, 1815; *Works*, Ford, XI, 464-8.

[6] Jefferson to Dupont, Feb. 28, 1815; Malone, *Jefferson and Dupont*, 150-3.

[7] Jefferson to David B. Warden, Warden Papers, Md. H. S.

[8] Jefferson to Samuel H. Smith, May 8, 1815; Henley-Smith Papers, LC.

[9] Jefferson to Short, Mar. 25, 1815; Jefferson MSS., Huntington Lib.

[10] Jefferson to Short, May 15, 1815; *Writings*, Mont., XVIII, 287.

[11] Jefferson to Thomas Leiper, June 12, 1815; *Works*, Ford, XI, 475-80.

[12] Jefferson to Mazzei, Aug. 9, 1815; *ibid*, XI, 483.

[13] Jefferson to Caesar A. Rodney, Mar. 16, 1815; Jefferson Papers, LC., v. 203, pp. 36194-5.
[14] Jefferson to George W. Campbell, Oct. 15, 1815; *ibid*, v. 205, p. 36473. See also to Gallatin, Oct. 16, 1815; Gallatin, *Works*, V, 408.
[15] Jefferson to Monroe, July 15, 1815; Monroe Papers, LC., v. 23, p. 4081.
[16] Jefferson to Benjamin Waterhouse, Oct. 13, 1815; Jefferson Papers, LC., v. 205, p. 36464.
[17] Jefferson to George Watterston, May 7, 1815; *ibid*, v. 204, pp. 36275-6. To John Vaughan, Mar. 1, 1815; *ibid*, v. 203, p. 36169. To Ticknor, July 4, 1815; Jefferson Papers, Mass. H. S. To Adams, June 10, 1815; *Writings*, Mont., XIV, 299-302.
[18] Jefferson to Madison, Mar. 24, 1815; Madison Papers, LC., v. 58, p. 92.
[19] Jefferson to J. F. Oliviera Fernandez, Dec. 16, 1815; Jefferson Papers, LC., v. 205, p. 36543.
[20] Adams to Jefferson, Oct. 20, 1815; *ibid*, v. 205, p. 36481.
[21] Jefferson to Adams, Aug. 10, 1815; *Works*, Ford, XI, 484-8.
[22] Adams to Jefferson, Aug. 24, 1815; Adams, *Works*, X, 172.
[23] Adams to Jefferson, May 3, 1816; *ibid*, X, 213-16.
[24] Jefferson to Adams, Aug. 1, 1816; *ibid*, X, 222-3.
[25] Jefferson to Wm. Caruthers, Mar. 15, 1815; Jefferson Papers, LC., v. 203, p. 36192.
[26] Jefferson to Martha J. Randolph, Aug. 31, 1815; Jefferson MSS., Morgan Lib.
[27] Weather Bk., Sept. 18, 1815; LC. Peachy Gilmer to F. W. Gilmer, Oct. 3, 1815; Davis, *Gilmer*, 90.
[28] Jefferson to John Milledge, Sept. 22, 1815; Jefferson Papers, LC.
[29] Jefferson to A. Partridge, Jan. 2, 1816; *Writings*, Mont., XIV, 374-9. To Joseph Correa, Jan. 1, 1816; Jefferson Papers, LC., v. 205, pp. 36574-5. Dupont to Jefferson, Dec. 10, 1815; Malone, *Jefferson and Dupont*, 226. Jefferson to Charles Clay, Nov. 18, 1815; copy of privately owned letter in Jefferson MSS., U. of Va.
[30] Jefferson to Chas. Yancey, Jan. 6, 1816; *Works*, Ford, XI, 493-7.
[31] Jefferson to Benjamin Austin, Jan. 9, 1816; *ibid*, XI, 500-5.
[32] Jefferson to Jos. C. Cabell, Feb. 2, 1816; Jefferson Papers, LC., v. 199, p. 35493. The letter itself, without the addenda, is printed in *Writings*, Mont., XIV, 421.
[33] Jefferson to Wm. H. Crawford, June 20, 1816; *Works*, Ford, XI, 537-41.
[34] Jefferson to Samuel Kercheval, July 12, 1816; *Works*, Ford, XII, 3-15.
[35] Jefferson to Kercheval, Oct. 8, 1816; *ibid*, XII, 17 n.
[36] See, as another example, Jefferson to Dr. Logan, May 19, 1816; *ibid*, XI, 525-7.
[37] Jefferson to Chas. Thomson, Jan. 19, 1816; *ibid*, XI, 498-500.
[38] *Ibid*. He nevertheless placed himself unreservedly in the hands of a comparative stranger, F. A. Vander Kamp: "Ridicule," he declared to him, "is the only weapon which can be used against unintelligible propositions. Ideas must be distinct before reason can act upon them; and no man ever had a distinct idea of the trinity. It is a mere Abracadabra of the mountebanks calling themselves the priests of Jesus." (July 30, 1816; Jefferson Papers, LC., v. 207, p. 36985.)
[39] Jefferson to Mrs. S. H. Smith, Aug. 6, 1816; Henley-Smith Papers, LC. See also to Joseph Delaplaine, Nov. 23, 1816; Jefferson Papers, LC., v. 209, p. 37201.
[40] Jefferson to Short, May 5, 1816; Jefferson Papers, LC., v. 207, pp. 36844-5. See also to Delaplaine, Feb. 9, 1816; *ibid*, v. 206, p. 36678: "To become my own biographer is the last thing in the world I would undertake. No. If there has been any thing in my course worth the public attention, they are better judges of it than I can be myself, and to them it is my duty to leave it."
[41] Jefferson to Joseph Milligan, Apr. 6, 1816; *Writings*, Mont., XIV, 456-66. To Thomas Ritchie, Mar. 8, Apr. 6, 1816; Jefferson Papers, LC., v. 206, pp. 36736, 36784. To Dupont, Aug. 3, 1816; Malone, *Jefferson and Dupont*, 187-91.
[42] Jefferson to Cabell, asking him to translate the works of another French economist, Jean Baptiste Say, Feb. 28, 1816; Cabell, *Early Hist. of the Univ. of Va.*, 62.
[43] Jefferson to Adams, Oct. 14, 1816; *Writings*, Mont., XV, 73-8.

CHAPTER 69

[1] Jefferson to Monroe, Feb. 4, 1816; *Works*, Ford, XI, 514-18.
[2] Jefferson to Dupont, Apr. 24, 1816; *ibid*, XI, 519-25.
[3] Jefferson to Barbé-Marbois, June 14, 1817; *Writings*, Mont., XV, 130.
[4] Jefferson to Wm. Lee, Aug. 24, 1816; Jefferson Papers, LC., v. 208, p. 37032.

[5] Jefferson to Isaac H. Tiffany, Aug. 26, 1826; *Writings*, Mont., XV, 65-6.

[6] Jefferson to Monroe, Oct. 16, 1816; *Works*, Ford, XII, 39-41.

[7] Jefferson to Thomas Appleton, July 18, 1816, June 30, 1820; *ibid*, XII, 16-20, 26-7 n. To G. Carmigniani, July 18, 1816; *ibid*, XII, 20-2 n.

[8] Jefferson to Burwell, Feb. 6, 1817; Jefferson Papers, LC., v. 209, p. 37268. See also to Wm. Duane, Jan. 24, 1817; *ibid*, v. 209, p. 37248.

[9] Adams to Jefferson, Feb. 2, 1817; *ibid*, v. 209, pp. 37264-5.

[10] Jefferson to Adams, Jan. 11, 1817; *Works*, Ford, XII, 46-9.

[11] Adams to Jefferson, Feb. 2, 1817; *supra*.

[12] Jefferson to Chas. Thomson, Jan. 29, 1817; *Works*, Ford, XII, 51-3.

[13] Jefferson to Wm. Sampson, Jan. 26, 1817; *ibid*, XII, 49-51.

[14] Jefferson to Monroe, Apr. 8, 1817; Jefferson Papers, LC., v. 209, p. 37363. To Cathalan, June 6, 1817; *ibid*, v. 210, pp. 37451-2.

[15] Jefferson to Gallatin, June 16, 1817; *Works*, Ford, XII, 70-4.

[16] Jefferson to Cabell, Sept. 9, 1817; Cabell, *Early Hist. of the Univ. of Va.*, 79-80.

[17] "A Bill for establishing a system of public education" [Sept. 9, 1817]; Jefferson MSS., U. of Va. Printed with some variations in *Writings*, Mont., XVII, 418-41.

[18] Jefferson to Cabell, Sept. 10, 1817; Cabell, *Early Hist of the Univ. of Va.*, 80-1.

[19] Jefferson to Cabell, Oct. 24, 1817; Jefferson Papers, LC., v. 211, p. 37688.

[20] Jefferson to Monroe, Dec. 13, 1817; Jefferson MSS., U. of Va. To Cabell, Dec. 18, 1817; *ibid*.

[21] Cabell to Jefferson, Dec. 29, 1817; Cabell, *Early Hist. of the Univ. of Va.*, 89-94.

[22] Cabell to Jefferson, Feb. 13, 1818; *ibid*, 122-3.

[23] Jefferson to Cabell, Jan. 6, 1818; Tucker-Coleman Coll., Colonial Wmsburg Arch. To same, Feb. 16, 1818; Cabell, *op. cit.*, 124-5. To same, Feb. 26, 1818; *ibid*, 128-9.

[24] Cabell to Jefferson, Feb. 20, 22, 1818; Cabell, *op. cit.*, 125-6, 127.

[25] Jefferson to Francis Gilmer, Apr. 10, 1818; Jefferson MSS., U. of Va.

[26] "Report of the Commissioners," Aug. 1-4, 1818; *ibid*. With some variations it appeared in the later pamphlet, and is printed in Cabell, *op. cit.*, 432-47. For the incident of the map, etc., see Bruce, *Hist. of Univ. of Va.*, I, 218.

[27] Jefferson to Thos. Cooper, Aug. 7, Sept. 12, 1818; Jefferson Papers, LC., v. 213, pp. 38059, 38082. To Wm. Alston, Oct. 6, 1818; *ibid*, v. 213, p. 38093. To Martha J. Randolph, Aug. 14, 1818 (2 letters); Jefferson MSS., Morgan Lib.

[28] Jefferson to Hugh Chisolm, Aug. 31, 1817; Jefferson MSS., U. of Va.

[29] Jefferson to J. W. Eppes, May 1, 1817; Jefferson MSS., Huntington Lib.

[30] Memorandum Bk., with specifications, calculations, plans and pen and ink drawings; Jefferson MSS., U. of Va.

[31] Jefferson to J. W. Eppes, Aug. 6, 1817; Jefferson MSS., Huntington Lib.

[32] Jefferson to Latrobe, June 12, 1817; Jefferson Papers, LC., v. 210, p. 37469. See also to Wm. Thornton, May 9, 1817; Jefferson MSS., U. of Va.: "Will you set your imagination to work and sketch some designs for us?"

[33] Thornton to Jefferson, May 27, 1817; Jefferson Papers, LC., v. 210, pp. 37440-2. Latrobe to Jefferson, July 24, 1817; *ibid*, v. 210, p. 37535. In a letter dated Aug. 12, 1817, Latrobe thought Jefferson's east-and-west arrangement of the dormitories in his "academical village" unfortunate and insisted they be pivoted to the north and south. F. Kimball is convinced that the idea of a Rotunda was first proposed by Latrobe and had not previously occurred to Jefferson. The point is arguable, but Jefferson's drawings and descriptions of the dome in the Huntington Lib. MSS. might be dated as May-June, 1817—*before* he received Latrobe's letter. Furthermore, the idea of a dome had always fascinated him (*vide* Monticello and Washington) and, as he had declared on several previous occasions, a library was one of the essentials he predicated for his College.

[34] Jefferson to Madison, Nov. 15, 1817; Madison Papers, LC., v. 64, p. 113.

[35] Cooper to Jefferson, Sept. 17, Dec. 7, 1817; Jefferson MSS., U. of Va.

[36] Jefferson to J. W. Eppes, Feb. 6, 1818; Jefferson MSS., Huntington Lib.

[37] Cooper to Jefferson, Oct. 6, 1818; Jefferson MSS., U. of Va.

[38] Jefferson to Cooper, Apr. 2, 1819; *ibid*.

[39] Jefferson to W. C. Nicholas, May 4, 1819; *ibid*.

[40] Contract between Thomas Appleton and Messrs. Michele and Jacopo Raggi, Feb. 17, 1819; photostat, U. of Va. Jefferson to A. S. Brockenbrough, July 2, 1819; Jefferson MSS., U. of Va.

CHAPTER 70

[1] Jefferson to Nathaniel Burwell, Mar. 14, 1818; *Works*, Ford, XII, 90-3.
[2] Jefferson to Gallatin, Nov. 24, 1818; Chinard, *Jefferson and les Idéologues*, 182.
[3] Jefferson to Robert Walsh, Feb. 19, 1818; Jefferson Papers, LC., v. 212, p. 37871.
[4] Jefferson to Milligan, Jan. 3, 1818; *ibid*, v. 212, p. 37778. To Walsh, Jan. 9, 1818; Jefferson MSS., U. of Va. Walsh to Francis Gilmer, Nov. 4, 1817; Gilmer Papers, U. of Va.
[5] Jefferson to Milligan, Jan. 12, 1819; Jefferson Papers, LC., v. 214, p. 38228.
[6] Jefferson to Matthew Cary, Nov. 22, 1818; *ibid*, v. 214, pp. 38150-1 (italics in the text added).
[7] Jefferson to Adams, May 17, 1818; *Works*, Ford, XII, 94-6.
[8] Jefferson to Salma Hales, July 26, 1818; Jefferson Papers, LC., v. 213, p. 38048.
[9] Jefferson to Gallatin, Feb. 15, 1818; *ibid*, v. 212, p. 37862.
[10] Jefferson to Van der Kemp, Feb. 9, 1818; *ibid*, v. 212, pp. 37850-3.
[11] Jefferson to Baron de Neuville, Dec. 13, 1818; facsimile in Jefferson Papers, Box 1, N. Y. Pub. Lib. To Wm. H. Crawford, Nov. 10, 1818; *Works*, Ford, XII, 100-2.
[12] Jefferson to Mordecai M. Noah, May 28, 1818; Jefferson Papers, LC., v. 213, p. 37988.
[13] Jefferson to Adams, Nov. 13, 1818; *Works*, Ford, XII, 102-3.
[14] Jefferson to Trumbull, ov. 18, 1818; Jefferson Papers, LC., v. 214, p. 38142.
[15] Jefferson to Dr. Andrew Kean, Nov. 11, 1818; *ibid*, v. 214, p. 38143.
[16] Jefferson to Henry Dearborn, May 17, 1818; *ibid*, v. 213, p. 37978.
[17] Jefferson to Adams, Jan. 19, 1819; *ibid*, v. 214, p. 38237. W. C. Rives to Jefferson, Jan. 20, 1819; v. 214, pp. 38238-9. Jefferson to W. C. Nicholas, Jan. 28, 1819; *ibid*, v. 214, p. 38250.
[18] Jefferson to Cabell, Feb. 19, 1819; *ibid*, v. 214, p. 38279.
[19] Jefferson to Ticknor, Oct. 25, 1818; *ibid*, v. 213, p. 38113. To Bowditch, Oct. 26, 1818; *ibid*, v. 213, p. 38116.
[20] Jefferson to Correa, Mar. 2, 1819; *ibid*, v. 215, p. 38304.
[21] S. L. Mitchill to Jefferson, May 10, 1819; *ibid*, v. 215, pp. 38385-6.
[22] The MS. plans and specifications are in the U. of Va. library.
[23] Jefferson to Correa, Apr. 11, 1820; Jefferson Papers, LC., v. 217, p. 38767.
[24] Adams to Jefferson, May 21, 1819; *ibid*, v. 215, p. 38408.
[25] H B. Trist to N. P. Trist, May 13, 1819; Nicholas P. Trist Papers, LC., v. 1, pp. 55534-5. Acct. Bk., Apr. 9, 1819; Mass. H. S. J. Q. Adams to Jefferson, Apr. 24, 1819; Jefferson Papers, LC., v. 215, p. 38379. Jefferson to J. Q. Adams, May 10, 1819; *ibid*, v. 215, p. 38391.
[26] Jefferson to W. C. Nicholas, Mar. 26, 1818; Jefferson Papers, LC., v. 212, p. 37909. Nicholas to Jefferson, Mar. 30, 1818; v. 212, p. 37915.
[27] Nicholas to Jefferson, Apr. 19, 1818; *ibid*, v. 213, p. 37945. Jefferson to Nicholas, May 1, 1818; *ibid*, v. 213, p. 37962.
[28] Nicholas to Jefferson, Aug. 5, 1819; *ibid*, v. 216, p. 38530. Jefferson to Joseph Marx, Aug. 24, 1819; *Works*, Ford, XII, 134-5. Marx to Jefferson, Sept. 2, 1819; Jefferson Papers, LC., v. 216, p. 38560. Indenture between Jefferson and T. J. Randolph, Sept. 15, 1819; Jefferson Papers, Mass. H. S.
[29] Jefferson to Nicholas, Aug. 11, 1819; Jefferson Papers, LC., v. 216, p. 38535.
[30] H. B. Trist to N. P. Trist, Oct. 19, 1819; Nicholas P. Trist Papers, v. 1, p. 55554. Thomas Mann Randolph thought this was the first time Jefferson had ever endorsed for anyone; but he was mistaken. Jefferson had done so on several occasions. (To N. P. Trist, Aug. 15, 1819; *ibid*, v. 1, pp. 55546-7.)
[31] Jefferson to Dr. Vine Utley, Mar. 21, 1819; *Works*, Ford, XII, 116-18. To Cathalan, May 26, 1819; Jefferson Papers, LC., v. 215, pp. 38412-13.
[32] Jefferson to John Trumbull, Jan. 10, 1817; Franklin Papers, Yale Univ.
[33] Maria Cosway to Jefferson, Apr. 7, 1819; Jefferson Papers, Mass. H. S.
[34] Jefferson to Maria Cosway, Dec. 27, 1820; *ibid*.
[35] Jefferson to Wm. C. Rives, Nov. 28, 1819; *Works*, Ford, XII, 149-50. See also to Adams, Nov. 7, 1819; *ibid*, XII, 144-6.
[36] Jefferson to Lafayette, Mar. 8, 1819; Jefferson Papers, LC., v. 215, p. 38313.
[37] Jefferson to Spencer Roane, Sept. 6, 1819; *Works*, Ford, XII, 135-40.
[38] Jefferson to Lewis Williams, Feb. 18, 1820; Jefferson Papers, LC., v. 217, p. 38713.
[39] Jefferson to Isaac H. Tiffany, Apr. 4, 1819; *ibid*, v. 215, p. 38353.

[40] Jefferson to Short, Oct. 31, 1819; *ibid*, v. 216, p. 38596. (Printed in *Works*, Ford, XII, 140-4, with minor errors.)

[41] Jefferson to Thomas B. Parker, May 15, 1819; *ibid*, v. 215, p. 38400.

[42] Jefferson to John H. Cocke, July 17, 1819; Jefferson MSS., U. of Va. To P. Laporte, June 4, 1819; MS., Harvard Univ., photostat in U. of Va.

[43] Jefferson to Madison, July 7, 1819; Madison Papers, LC., v. 66, p. 77. To James Breckinridge, July 8, 11, 16, 1819; Jefferson MSS., U. of Va.

[44] Michele and Giacomo Raggi to Jefferson (in Italian), rec. Sept. 17, 1819; Jefferson MSS., U. of Va. Memo of conversation between Jefferson and Michele Raggi, Nov. 4, 1819; *ibid*.

[45] Pierson, *Jefferson at Monticello*, 19-22.

[46] Jefferson to Cabell, Jan. 22, 1820; *Works*, Ford, XII, 154-5. To Madison, Feb. 16, 1820; Madison Papers, LC., v. 67, p. 50.

[47] Short to Jefferson, Mar. 27, 1820; Jefferson Papers, Mass. H. S.

[48] Cooper to Jefferson, Mar. 1, 1820; Jefferson MSS., U. of Va.

[49] Jefferson to Cooper, Mar. 13, 1820; *ibid*.

[50] Minutes of the Board, Apr. 3, 1820; Jefferson to John H. Cocke, Apr. 9, 1820; *ibid*.

[51] Cooper to Jefferson, Apr. 24, May 3, 1820; *ibid*.

[52] Jefferson to J. W. Eppes, June 30, 1820; *ibid*.

[53] Jefferson to Short, Apr. 13, 1820; *Writings*, Mont., XV, 243-8. Jefferson, however, never capitalized the references to Jesus as they are printed in the text.

[54] Jefferson to Adams, Mar. 14, 1820; *ibid*, XV, 241.

CHAPTER 71

[1] Jefferson to John Holmes, Apr. 22, 1820; *Works*, Ford, XII, 158-60. See also Isaac Briggs to his wife, describing a visit to Jefferson, Nov. 21, 1820; photostat in U. of Va.

[2] Jefferson to Short, Apr. 13, 1820; *Writings*, Mont., XV, 243-8.

[3] Jefferson to John Holmes, *supra*.

[4] Jefferson to Warden, Dec. 20, 1820; Warden Papers, Md. H. S.

[5] Jefferson to J. W. Eppes, June 12, 1820; "Some Family Papers of Jefferson," *Scribner's Mag.*, XXXVI, 579-80.

[6] Jefferson to Francis Eppes, Oct. 6, 1820, June 27, 1821; Jefferson MSS., Huntington Lib. To same, Dec. 13, 1820; Jefferson Papers, LC., v. 218, pp. 39026-7.

[7] Jefferson to T. M. Randolph, Nov. 20, 1820; Jefferson Papers, Mass. H. S.

[8] Jefferson to Destutt Tracy, Dec. 26, 1820; *Works*, Ford, XII, 181-4.

[9] MS. List of Books, Jefferson to James Leitch, Oct. 21, 1820; McGregor Coll., U. of Va.

[10] Jefferson to John C. Wells, May 13, 1820; *Glimpses of the Past*, 124.

[11] Jefferson to J. W. Eppes, June 30, July 29, Aug. 19, 1820; Jefferson MSS., U. of Va.

[12] Acct. Bks., 1821-23; Mass. H. S.

[13] Autobiography, Jan. 6-July 29, 1821; Jefferson Papers, LC., v. 219, pp. 39061-80. This is the first part; later parts continue through the succeeding volumes of the Papers. The whole has been printed as a unit in *Works*, Ford, I, and elsewhere.

[14] Jefferson to James W. Wallace, July 10, 1821; Jefferson Papers, LC., v. 220, p. 39325.

[15] Jefferson to Cabell, Jan. 31, 1821; *Writings*, Mont., XV, 310-13.

[16] Jefferson to James Breckinridge, Feb. 15, 1821; *ibid*, XV, 314-18.

[17] Jefferson to Adams, Jan. 22, 1821; *Works*, Ford, XII, 198-200.

[18] Adams to Jefferson, Feb. 3, 1821; Jefferson Papers, LC., v. 219, p. 39198-9.

[19] Jefferson to Spencer Roane, Mar. 9, 1821; *Works*, Ford, XII, 201-2. See also to C. Hammond, Aug. 18, 1821; *Writings*, Mont., XV, 330.

[20] Jefferson to James T. Austin, Feb. 13, 1821; Jefferson Papers, LC., v. 219, p. 39201.

[21] Jefferson to Spencer Roane, June 27, 1821; *Works*, Ford, XII, 202-3.

[22] Jefferson to John E. Hall, Aug. 8, 1821; Jefferson Papers, LC., v. 220, p. 39360.

[23] Jefferson to J. W. Eppes, Oct. 23, 1821; *ibid*, v. 221, pp. 39433-4. To Nathaniel Macon, Aug. 19, 1821; *Works*, Ford, XII, 206-8.

[24] Jefferson to Benjamin Ruggles, May 3, 1822; Jefferson Papers, LC., v. 222, p. 39612.

[25] Jefferson to Adams, June 27, 1822; *Works*, Ford, XII, 240-1 n.

[26] Pickering to Jefferson, Feb. 12, 1821; Pickering and Upham, *Life of Timothy Pickering*, IV, 324-7.

[27] Jefferson to Pickering, Feb. 27, 1821; *ibid*, IV, 327-8.
[28] Jefferson to Adams, Apr. 11, 1823; *Writings*, Mont., XV, 430.
[29] Jefferson to C. Crozet, Nov. 23, 1821; Jefferson Papers, Mass. H. S.
[30] Draft Petition to Congress, Nov. 30, 1821; Jefferson MSS., U. of Va.
[31] Jefferson to Waterhouse, June 26, 1822; *Works*, Ford, XII, 241-3.
[32] Jefferson to Waterhouse, July 19, 1822; *ibid*, XII, 243-4 n.
[33] Jefferson to Rev. Thomas Whittemore, June 5, 1822; MS., Tufts Coll. Library.
[34] Cabell to Jefferson, Jan. 14, 1822; Cabell, *op. cit.*, 233-4.
[35] Cabell to Jefferson, Feb. 11, 1822; *ibid*, 242-4.
[36] Jefferson to Madison, Apr. 7, 1822; Jefferson Papers, LC., v. 222, p. 39588.
[37] Jefferson to Cooper, Mar. 9, 1822; *ibid*, v. 221, p. 39568.
[38] Jefferson to N. P. Trist, June 14, 1822; *Bixby Coll.—Jefferson Correspondence*, 272-3.
[39] Jefferson to Wm. Coffee, July 10, 1822; Jefferson Papers, Mass. H. S. See also Jefferson to Tucker, Aug. 24, 1822; Tucker-Coleman Coll., Colonial Wmsburg. Arch.
[40] Jefferson to Short, Oct. 19, 1822; Jefferson Papers, LC., v. 223, p. 39778.
[41] Jefferson to Cabell, Dec. 28, 1822; Cabell, *op. cit.*, 260-2.
[42] Jefferson to Cabell, Jan. 13, 1823; *ibid*, 266-8.
[43] Jefferson to Cabell, Jan. 26, 1823; *ibid*, 270-1.
[44] Cabell to Jefferson, Jan. 9, Feb. 3, 5, 1823; *ibid*, 265-6, 273, 274.
[45] Jefferson to Cabell, Mar. 12, 1823; *ibid*, 278-9.
[46] Jefferson to J. W. Eppes, July 28, 1822; Jefferson MSS., Huntington Lib.
[47] Jefferson to Cornelius C. Blatchley, Oct. 21, 1822; Jefferson Misc. MSS., N. Y. H. S.
[48] Jefferson to Madison, Nov. 22, 1822; Madison Papers, LC., v. 70, p. 85. Randall, *Jefferson*, III, 487.

CHAPTER 72

[1] Jefferson to Edmund Bacon, Aug. 18, 1823; Jefferson Papers, Mass. H. S.
[2] Jefferson to Madison, Mar. 14, 1823; Jefferson Papers, LC., v. 223, p. 39946.
[3] Jefferson to F. W. Gilmer, Oct. 12, 1824; Gilmer MSS., U. of Va. See also to Madison, Oct. 6, 1824; Madison Papers, LC., v. 73, p. 90.
[4] Jefferson to Cooper, Apr. 12, 1823; Jefferson Papers, LC., v. 224, p. 39995. Some modern commentators, reading merely the printed Report of the Visitors, have assumed from it that Jefferson was willing to make religious study an integral part of his University.
[5] Jefferson to Madison, Aug. 8, 1824; Madison Papers, LC., v. 73, p. 51. Madison obliged with a list, Sept. 10, 1824; Madison, *Writings*, IX, 202-7.
[6] Jefferson to Ticknor, July 16, 1823; *Writings*, Mont., XV, 454-7.
[7] Jefferson to James Lindsay, June 14, 1823; Jefferson MSS., Va. H. S.
[8] Jefferson to Remsen, Dec. 19, 1823; Franklin Papers, Yale Univ. To Thomas Leiper, May 31, 1823; *Works*, Ford, XII, 286-9.
[9] Jefferson to Monroe, June 14, 1823; Monroe Papers, N. Y. Pub. Lib.
[10] Jefferson to Remsen, Oct. 26, Dec. 19, 1823; Franklin Papers, Yale Univ.
[11] Jefferson to Robert Walsh, Apr. 5, 1823; Jefferson MSS., U. of Va.
[12] Jefferson to Judge Wm. Johnson, Mar. 4, 1823; *Works*, Ford, XII, 277-80. In spite of Jefferson's urgings and the offer of his papers, Johnson's history never appeared. Neither did the lives of Hamilton and Adams. All waited for another generation; Hamilton's by his son, John C. Hamilton; Adams's by his grandson, Charles Francis Adams, and Jefferson's by Tucker and Randall.
[13] Wm. Johnson to Jefferson, Apr. 11, 1823; Jefferson Papers, LC., v. 224, pp. 39984-8. Jefferson to Johnson, June 12, 1823; *Works*, Ford, XII, 252-9 n.
[14] Madison to Jefferson, June 27, 1823; Madison Papers, LC., v. 71, p. 74.
[15] Jefferson to Samuel H. Smith, Aug. 2, 1823; *Works*, Ford, XII, 300-2.
[16] Jefferson to Geo. W. Erving, Apr. 11, 1823; Jefferson Papers, LC., v. 224, p. 39981.
[17] Monroe to Jefferson, June 2, 1823; *ibid*, v. 224, pp. 40059-60.
[18] Jefferson to Monroe, June 11, 1823; *Works*, Ford, XII, 292.
[19] Monroe to Jefferson, Oct. 17, 1823; Monroe, *Writings*, VI, 323-5.
[20] Jefferson to Monroe, Oct. 24, 1823; *Works*, Ford, XII, 318-21.
[21] Monroe to Jefferson, Dec. 4, 1823; Monroe, *Writings*, VI, 342.
[22] Jefferson to Monroe, Feb. 20, 1824; *Works*, Ford. XII, 343-6.
[23] Jefferson to Monroe, Aug. 25, 1824; Jefferson Papers, LC., v. 227, p. 40558. Monroe to Jefferson, Aug. 26, 1824; *ibid*, v. 227, pp. 40562-3.

[24] Jefferson to Duane, May 31, 1824; Franklin Papers, Yale Univ.
[25] Monroe to Jefferson, July 12, 1824; Jefferson Papers, LC., v. 226, p. 40505.
[26] Jefferson to Col. Peyton, Sept. 3, 1824; Jefferson Papers, Mass. H. S.
[27] Jefferson to Thomas Leiper, Oct. 27, 1824; *Works*, Ford, XII, 345 n. To Richard Rush, undated, *ibid*, XII, 344-5 n. To Duane, Oct. 24, 1824; Jefferson Papers, LC., v. 227, p. 40650.
[28] Pierson, *Jefferson at Monticello*, 123.
[29] Jefferson to Richard Rush, June 5, 1824; *Works*, Ford, XII, 355-6.
[30] Jefferson to Robert J. Garnett, Feb. 14, 1824; *ibid*, XII, 341-3.
[31] Jefferson to Martin Van Buren, June 29, 1824; *ibid*, XII, 357-72.
[32] Jefferson to Cabell, Jan. 23, 1824; photostat, U. of Va.
[33] Adams to Jefferson, Jan. 22, 1825; Adams, *Works*, X, 414-15.
[34] Jefferson to Cabell, May 16, 1824; *Writings*, Mont., XVI, 35-42. To Gilmer, June 5, 1824; Gilmer MSS., U. of Va.
[35] Jefferson to Sen. James Barbour, May 2, 1824; Barbour Papers, N. Y. Pub. Lib.
[36] Jefferson to Madison, Oct. 6, 1824; *op. cit.*
[37] Jefferson to Madison, Nov. 20, 1824; Madison Papers, LC., v. 73, p. 114.
[38] Jefferson to Madison, Nov. 30, 1824; Jefferson Papers, LC., v. 227, p. 40692.
[39] Jefferson to A. S. Brockenbrough, Jan. 9, 1825; Jefferson MSS., U. of Va.
[40] Jefferson to Lafayette, Oct. 9, 1824; *Works*, Ford, XII, 378-80.
[41] Draft Address of Welcome, Nov. 4, 1824; Jefferson Papers, LC., v. 227, p. 40660.
[42] Ticknor to Wm. H. Prescott, Dec. 16, 1824; Ticknor's *Journals*, I, 348-9. Webster's account of the visit appeared in his *Correspondence*, I, 364 ff., and has already been adverted to in connection with the political matters he discussed with Jefferson.
[43] MS. "Sketches of American Statesmen," quoted in Davis, *Gilmer*, 354.

CHAPTER 73

[1] Jefferson to Madison, Jan. 23, 1825; Rives Papers, LC.
[2] Jefferson to Madison, Feb. 1, 1825; *ibid.*
[3] Jefferson to Cabell, Feb. 3, 1825; Cabell, *op. cit.*, 339-41.
[4] Draft Resolution, Mar. 4-5, 1825; Jefferson MSS., U. of Va.
[5] Madison to Jefferson, Feb. 8, 1825; Rives Papers, LC. Jefferson to Madison, Feb. 12, 1825; *ibid.*
[6] Jefferson to Gilmer, Jan. 20, 1825; Jefferson Papers, LC., v. 228, p. 40817.
[7] The long and involved hunt for a professor of law may be studied in the Jefferson Papers, LC., in the U. of Va., and in Cabell, *op. cit.*
[8] Jefferson to Gilmer, Oct. 11, 1825; Jefferson MSS., U. of Va.
[9] Jefferson to John Adams, Feb. 15, 1825; Jefferson Papers, LC., v. 228, pp. 40853-4. To Crawford, Feb. 15, 1825; *ibid*, v. 228, p. 40854.
[10] Adams to Jefferson, Feb. 25, 1825; *ibid*, v. 228, p. 40871. The Latin is from Vergil's famous "prophetic" Eclogue, in which he hailed the return of the golden Saturnian age to earth.
[11] Jefferson to George Thompson, June 23, 1825; Amer. Art Assn.–Anderson Galleries Catalogue, Apr. 14, 1932.
[12] George Thompson to Jefferson, June 2, 1825; *Glimpses of the Past*, 126-30. Jefferson to Thompson, June 22, 1825; *ibid*, 130-2.
[13] Cabell to Jefferson, Feb. 7, 1825; Cabell, *op. cit.*, 341-2. Jefferson to John Patterson, Mar. 22, 1825; Jefferson Papers, LC., v. 229, p. 40911.
[14] Jefferson to Madison, Mar. 22, 1825; Madison Papers, LC., v. 74, p. 53.
[15] Jefferson to Littleton W. Tazewell, Mar. 13, 1825; Jefferson Papers, LC., v. 229, p. 40901. To George Thompson, June 22, 1825; *supra.*
[16] Jefferson to Dr. Robert Greenhow, Apr. 29, 1825; Jefferson Papers, LC., v. 229, p. 40980. To Thomas Campbell, Apr. 29, 1825; *ibid*, v. 229, p. 40981.
[17] Jefferson to Robley Dunglison, June 29, 1825; Jefferson MSS., U. of Va.
[18] Jefferson to Xaupy, Sept. 1, 1825; Jefferson Papers, LC., v. 230, p. 41141.
[19] Jefferson to Joseph Coolidge, Jr., Oct. 13 [1825]; *Writings*, Mont., XVIII, 342-6. Minutes of Board of Visitors, Oct. 4-7, 1825; *ibid*, XVIII, 360-499. Key and Long to Rector and Visitors, Oct. 4, 1825; Jefferson MSS., U. of Va.
[20] Jefferson to Madison, Oct. 18, 1825; Feb. 17, 1826; Madison Papers, LC., v. 75, pp. 57, 108.

[21] Matthew Maury to his mother, Aug. 6, 1825; *Intimate Virginiana*, 95.
[22] Jefferson to Dr. Dunglison, July 2, 8, Nov. 26, 1825; privately owned; copies in U. of Va.
[23] Jefferson to Samuel Smith, Oct. 22, 1825; Jefferson Papers, Mass. H. S.
[24] Jefferson to F. A. Van der Kemp, Nov. 30, 1825; Jefferson Papers, LC., v. 230, p. 41235.
[25] Jefferson to Sheldon Clark, Dec. 5, 1825; Jefferson Papers, LC., v. 230, p. 41244.
[26] Jefferson to Madison, Dec. 24, 1825; *Works*, Ford, XII, 416-18, 418-21 n. See also to Giles, Dec. 26, 1825; *ibid*, XII, 424-8.
[27] Jefferson to Madison, Jan. 2, 1826; *ibid*, XII, 431-2.
[28] Jefferson to T. M. Randolph, June 5, 1825; Jefferson Papers, LC., v. 229, p. 41034.
[29] Jefferson to T. M. Randolph, July 9, 1825; *ibid*, v. 229, pp. 41076-7.
[30] Jefferson to T. M. Randolph, Jan. 8, 1826; *Works*, Ford, XII, 432-3. Randolph's penciled notes, undated, *ibid*, XII, 433-4 n.
[31] T. M. Randolph to N. P. Trist, July 6, 1826; copy, Trist Papers, LC., v. 3, p. 55918.
[32] T. J. Randolph to Dabney S. Carr, July 18, 1826; Jefferson MSS., U. of Va.
[33] T. M. Randolph to Trist, Mar. 10, 11, 1828; Trist Papers, LC., v. 5, pp. 56143, 56146. Trist to T. M. Randolph, Mar. 10, 1828; *ibid*, v. 5, p. 56145.
[34] Jefferson to Cabell, Jan. 20, 1826; Randall, *Jefferson*, III, 527.
[35] Cabell to Jefferson, Jan. 30, 1826; Cabell, *op. cit.*, 360-1.
[36] "Thoughts on Lotteries," Feb., 1826; *Works*, Ford, XII, 435-50.
[37] Jefferson to Cabell, Feb. 7, 1826; *ibid*, XII, 450-3.
[38] Cabell to Jefferson, Feb. 3, 1826; Cabell, *op. cit.*, 362.
[39] Jefferson to T. J. Randolph, Feb. 8, 1826; Randall, *Jefferson*, III, 531.
[40] Cabell to Jefferson, Feb. 10, 20, 1826; Cabell, *op. cit.*, 370, 375-6. See also Jefferson to Wm. F. Gordon, Feb. 22, 1826; Jefferson Papers, Mass., H. S., in which Jefferson claimed that the majority for leave to bring in the bill was only *one*.
[41] Notice of Lottery; Richmond *Enquirer*, Apr. 28, 1826. Jefferson to Thomas Ritchie, Mar. 13, 1826; *Works*, Ford, XII, 465 n. Some of the original lottery tickets are in Jefferson Papers, LC., v. 231, p. 41413.
[42] John Tyler to H. A. Wise, Mar. 8, 1859; *Wm. & Mary Quart.*, ser. 2, v. 8, p. 275.
[43] Statement of Debts, July 4, 1826; Trist Papers, LC. (The Inventory of his Assets is in Will Bk. #8, Albemarle Co. Court House.) Randall, *Jefferson*, III, 536-9.
[44] Jefferson's Will, Mar. 19, 1826; *Writings*, Mont., XVII, 456-70.
[45] Instructions for Grave Monument; Jefferson Papers, LC., v. 231, p. 41473 a.
[46] Jefferson to Madison, Feb. 17, 1826; *Works*, Ford, XII, 455-9.
[47] Jefferson to John H. Cocke, May 20, 1826; Jefferson MSS., U. of Va.
[48] Randall, *Jefferson*, III, 538-9.
[49] Jefferson to Patrick Gibson, Feb. 22, 1826; Jefferson Papers, LC., v. 231, p. 41348.
[50] Acct. Bk., 1826; Mass. H. S.
[51] Adams, *Works*, I, 636.
[52] Alexander Garrett to his wife, July 4, 1826; Jefferson MSS., U. of Va. H. H. Worthington to Reuben B. Hicks, July 5, 1826; *ibid*.

General Bibliography

The number of volumes that have been written on and around Jefferson is truly staggering; the manuscripts, scattered in collections great and small throughout the country, run literally into the hundreds of thousands. The two decades that the author has devoted to the research, contemplation and writing of three related lives—Aaron Burr, Alexander Hamilton and Thomas Jefferson—have now been brought to a conclusion. It is his belief that through the clash of personalities and political ideas of these three key figures the formative years of the American nation may be studied to advantage.

The published writings of Thomas Jefferson have thus far been woefully inadequate. The best to date is the compilation by Paul Leicester Ford, chiefly political in character. The worst are the more numerous volumes known either as the Monticello or the Memorial edition. Errors of transcription, of dates, of attributions abound on almost every page. Fortunately, the monumental edition of *The Papers of Thomas Jefferson*, under the direction of Julian P. Boyd, as editor, and Lyman C. Butterfield and others as associates, is now well under way. The three volumes already published out of a total of fifty-two are models of clarity, accuracy and meticulous editing; the success of the entire venture seems well assured.

Most of the abbreviations in the Notes appended to this book should furnish no difficulty to the inquiring student. Some few which may are herewith listed:

Works, Ford: *The Federal Edition of the Works of Jefferson*, edited by P. L. Ford.

Writings, Mont.: *The Monticello or Memorial Edition of the Writings of Jefferson*, edited by Lipscomb and Bergh.

LC.: The Library of Congress.

The author has received almost uniformly cordial co-operation from busy librarians and custodians of the great manuscript collections. His grateful thanks are herewith rendered to each and every one of them. They helped make an almost impossible task possible.

Thanks are also extended to the institutions and individuals who have permitted investigation of their treasures and gave permission to print excerpts therefrom.

New York, June 1, 1951

NATHAN SCHACHNER

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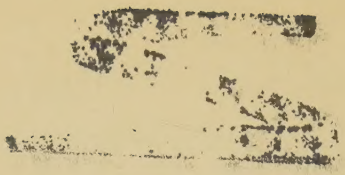

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